

appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will proceed to executive session to resume consideration of the New START treaty. The treaty is open to amendments. Senators are encouraged to come to the floor to offer and debate their amendments or make statements regarding this most important piece of legislation.

I would like to begin today having votes on the amendment that has been filed. As a reminder, last night I filed cloture with respect to the House messages on the DREAM Act and the don't ask, don't tell repeal.

The first cloture vote will occur tomorrow morning fairly early. If cloture is not invoked on the DREAM Act, the Senate will proceed immediately to a cloture vote on the don't ask, don't tell repeal. Senators will be notified when any votes are scheduled.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 42

Mr. REID. Mr. President, I have a matter I believe is at the desk, S.J. Res. 42. I think it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title for a second time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 42) to extend the continuing resolution until February 18, 2011.

Mr. REID. I object to any further proceedings with respect to this joint resolution.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

FINISHING THE SESSION

Mr. REID. Mr. President, the path is clear that we can finish our work relatively soon. As I indicated earlier, we are going to have two votes in the morning. Even if cloture is invoked on one or both of those matters, there is no reason we couldn't complete that work tomorrow. There is no reason we would have to extend that into Sunday. We will be happy to do that because we

are going to work every day—every day—until we finish this legislative session.

If we get those two things out of the way, we have minimal things left to do. We have to do the health care as it relates to 9/11. Of course, we have to complete the funding for the government. We know what happened last night, so we are looking forward to doing the CR. It is a tremendous disappointment as to what it doesn't do for our country, but that is where we are. The Republicans made that choice, and the American people need to understand that.

I was told 6 or 7 days are needed to debate the START treaty. That is easy to do. We can complete that very quickly. It all depends on our friends on the other side of the aisle, whether they want to continue, as they have this whole Congress, throwing roadblocks in front of everything we do to move forward to a culmination of this debate. We have done some very important things during this Congress, but there is nothing—nothing—more important than the START treaty because it has ramifications far greater than our own country. So I hope everyone will be patient. We know this is the holiday season, but this is something we are going to complete before we leave. I have had conversations with a number of my Republican friends, and they understand the seriousness of this matter.

As I indicated yesterday, the ranking member of the Foreign Relations Committee, RICHARD LUGAR, has been an advocate for this for a long time. We know our chairman, Senator KERRY, believes fervently in this legislation. So I am going to do everything I can to expedite the other matters, and that is the reason cloture was filed on these two issues last night.

I repeat, there is no reason we can't complete everything by tomorrow in the evening. Leaving the days we have spent on this already, which are three in number, we could do Sunday, Monday, Tuesday; that is 6, 7 days. We are set to complete this very quickly. It is all up to people who believe in this to come down and make their statements and to support amendments for the strengthening of this and oppose those that don't. So I hope everyone would understand the importance of the work we have.

The issues dealing with the DREAM Act, I have given many speeches on this floor dealing with the importance of that. It is legislation supported by our Secretary of Defense and the Chairman of the Joint Chiefs. They know how important it is to have quality people in the military. They know we are taking into the military today people who have been convicted of crimes, people who have not graduated from high school, and this would certainly be a way of bringing into the military people who really want to serve their country. So I hope we can get that done.

Don't ask, don't tell is another issue that is certainly ripe for completion. I appreciate the work of the House in completing that. There is no reason, no matter how they may dislike that legislation, to stand in the way of the START treaty. The don't ask, don't tell, as we all have seen from reading the press, we have enough votes to pass that. It passed in the House for the second time. It picked up 45 votes from the first time they voted on it, so it is gaining strength.

The one reason I think it is so important to do that, to complete the repeal of don't ask, don't tell, one of the problems we have had with the issue of abortion around the country is that it has been determined by the courts not the legislature. There have been numerous articles written about how that is one problem that has caused so much consternation with the abortion issue—because it should have been handled by the legislature. I feel the same way about don't ask, don't tell. We can see the courts moving in on this. We should have the courage to do what is right for the American people and do it legislatively, not leave it to the courts.

The only thing I didn't mention is we have a lot of nominations I am working with the Republican leader on to complete. One person we are concerned about is Jim Cole, the Deputy Attorney General. That is the No. 2 person at the Justice Department. It is a shame it has taken so long to complete.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following treaty, which the clerk will report.

The assistant legislative clerk read as follows:

Treaty calendar No. 7, treaty with Russia on measures for further reduction and limitation of strategic offensive arms.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I note the minority leader is here and he may wish to use his leader time now. I understand that.

Mr. MCCONNELL. I would say to my friend from Massachusetts, I was going to make my opening remarks. I believe Senator LEMIEUX is making his farewell address, if you could give us a chance.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, as soon as the leader wants to take the floor, I will see to that. I am not trying to hold the floor. I just wish to say to colleagues that we are now beginning day 3 of consideration of the START treaty. We have not yet voted on or moved on any amendment. So I hope colleagues will take advantage of the extra time we now have, given the events with respect to the omnibus/CR, and we have an opportunity today to quickly get there.

Needless to say, at some point, particularly in the absence of amendments, there will be a higher motivation to move to a cloture vote to move to bring this to a close if that is what it is going to take. We are ready to vote on our side of the aisle. We are ready to vote today on the START treaty.

So I wish to emphasize to colleagues, if there are amendments, now is the time to bring them to the floor, and I hope we can do that. We look forward to a good, robust debate in an effort to try to bring this matter to a close.

I yield the floor to the minority leader at this time.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GOOD NEWS

Mr. MCCONNELL. Mr. President, I am pleased to report two pieces of good news out of Congress today. After 2 years of policies that lacked public support, the tide is beginning to turn.

Today the President will sign a bill that ensures no American—not a single one—gets a tax hike on January 1. Republicans have fought hard for this legislation. Up until last week, most Democrats resisted. But in the end the American people were heard. That is a welcome change from the last 2 years.

The American people have finally been heard on another matter as well. Yesterday, Republicans united against a 2,000-page, \$1.2 trillion spending bill that Democrats were trying to ram through Congress in the final hours of this session. The goal of this bill was perfectly clear. Its purpose was to lock in for another year the same big government policies voters overwhelmingly rejected on November 2.

By approving this bill, we would have helped cement for another year massive increases in spending and helped pave the way for a health care bill most Americans are asking us to repeal.

Once those details became clear, it was imperative that we reject it.

The voters don't want us to wait to cut spending and debt and fight the

health care bill next October—they want us to do these things immediately.

So I am proud of my conference for sticking together on these principles.

Here in these final days of the 111th Congress we have held the line on taxes.

We have held the line on spending.

Next, we turn to cutting spending and cutting debt.

The American people are seeing change here in Washington.

They can expect more in the New Year.

TRIBUTE TO RETIRING SENATORS

GEORGE LEMIEUX

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a man who has made the most of a short tenure here in the Senate. Shortly after GEORGE LEMIEUX was sworn in last September he said that his goal was to get years of work done in 16 months. And I don't think there is any doubt the junior Senator from Florida made good on that promise.

In his short tenure, GEORGE has served the people of Florida with honor, integrity, and purpose. And while he may be leaving us soon, I am certain this will not be the last time we hear from this incredibly gifted man.

GEORGE grew up in Coral Springs, FL, or "God's country" as he refers to it. He went on to college at Emory, where he graduated magna cum laude and Phi Beta Kappa. As an undergraduate, GEORGE interned for Congressman Clay Shaw and Senator Connie Mack. And then it was on to Georgetown for law school and then private practice back home in Florida.

GEORGE got his start in local politics as chairman of the Broward County Young Republicans. He then went on to make his own bid for the Florida State house in 1998, knocking on more than 10,000 doors in the heavily Democratic district he was hoping to represent.

Despite GEORGE's own campaign loss, he impressed a lot of Republicans and was elected chairman of Broward County Republican Party. In 2003, he was asked to serve as deputy attorney general. And GEORGE answered the call, leaving the law firm he was working in at the time. As deputy attorney general, GEORGE was responsible for a team of 400 lawyers. He also argued and won a death penalty case that earned a unanimous ruling from the U.S. Supreme Court.

GEORGE would go on to serve as the chief of staff to Florida Governor Charlie Crist overseeing the Governor's legislative agenda, policy initiatives, and messaging.

After a year as chief of staff, GEORGE wanted to return home to his young family. "I've got three little men at home," GEORGE said at the time, "and a wife who's a saint."

Despite the demands of work, GEORGE has always made sure not to lose sight of his first priorities. And we have all seen and been touched by the special

pride he has for his wife Meike and their three boys Max, Taylor, and Chase, and their newborn daughter Madeleine.

After a couple of years of private practice, GEORGE got the call again to serve when Mel Martinez announced he was retiring from the Senate.

And from the moment he got here, he was determined to do the best job he could. He wasn't going to be a placeholder or a seat warmer, as he put it. Floridians expected vigorous and principled representation, and that is exactly what they got. At the time of his appointment, GEORGE may have been the youngest sitting Member of the Senate, but that didn't stop him from rolling up his sleeves and getting to work. He made an immediate impact by inserting himself into the health care debate as an eloquent and passionate opponent of greater government intervention and an enemy of waste, fraud, and abuse. And the first bill he introduced was the Prevent Health Care Fraud Act of 2009, which proposed a more aggressive approach to recovering the billions of dollars that are lost each year to health care waste, fraud, and abuse.

GEORGE has been deeply involved in efforts to raise awareness about the national debt and promoting free trade. He has been involved in Latin American and Cuban policy. And he was a leader on the gulf oilspill.

He has worked tirelessly to hold BP and the administration accountable for the cleanup and the protection of Florida's beaches. He has been an outspoken critic of the bureaucratic red tape that kept more skimmers from cleaning up the Florida coast. And through his relentless efforts at exposing this lax response, he was able to get dozens of skimmers sent to the Florida coast for cleanup. As GEORGE put it at the time, "We must ensure that BP does not abandon the hard-working families, businesses, and local communities devastated by the spill once the media leaves . . ." After just a few months of on-the-job training as U.S. Senator, GEORGE had found his voice in the midst of the largest environmental disaster in U.S. history.

Upon arriving in this Chamber, George has always maintained a probusiness, anti-tax, and anti-waste voting record, which has made him the recipient of several awards. In August of this year, GEORGE was recognized as the "Taxpayer Hero" by the Council for Citizens Against Government Waste for his work to expose and end wasteful government spending. The following month, GEORGE was honored the "Guardian of Small Business" by the National Federation of Independent Business, as well as the "Tax Fighter" award by the National Tax Limitation Committee.

While GEORGE's impressive tenure in this Chamber has been brief, we enjoyed getting to know him and working

with him to advance the best interests of Floridians and all Americans. He has been one of our sharpest and most passionate spokesmen on some of the most important issues we face. He is smart, capable, and willing to work hard. He should be proud of his service. I know I have been proud to call him a colleague and a friend.

We thank him for his impressive service to this Chamber, the people of Florida, and the Nation. And we wish him and his young family all the best in what I hope will be many years of success and happiness ahead.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, again, I repeat that we are beginning the third day of debate on the START treaty. Senator LUGAR and I are anxious to begin debate on an actual amendment. We are prepared to do so as soon as colleagues decide to come to the floor and bring us those amendments. I will repeat that given the press of business and the holidays, we are sort of in a place where we want to afford people that opportunity, but if people don't want to take advantage of that, we are certainly prepared to move to a vote.

I emphasize that there are no amendments from colleagues on the Democratic side. We are prepared to just vote on this treaty. I think perhaps we are getting a signal that other colleagues may want to likewise try to move to conclude this treaty fairly rapidly. Certainly, Senator LUGAR and I are prepared to do so. Senator LUGAR has pressed me to try to see if we can proceed with respect to the procedural votes that would bring us to that point. I have suggested that we ought to perhaps give that a little more time. We are prepared to do so. At some point, I think it will be appropriate for us to do that.

I know Senator LUGAR wants to speak with respect to some of the points that were made yesterday. First, would the Senator be agreeable to having Senator FRANKEN speak?

Mr. LUGAR. Mr. President, I am delighted to delay my remarks to listen to other Senators who have come to the floor. We are eager to try to expedite all of the statements of our Members.

Mr. KERRY. Would the Senator agree with me that we have been open for business for about 2 days now, and this is the third day, and we need to get to a substantive amendment or perhaps to move to close off the debate and have our last 30 hours?

Mr. LUGAR. I agree with the chairman. I hope that, having raised that issue, Members will come to the floor promptly, amendments will be offered, and votes will be taken.

It appears to me that a number of our colleagues are prepared to conclude business, including our majority leader and the Republican leader. I think that is the sentiment of the body. As a re-

sult, given the 9½ hours of open time yesterday and a number of good statements, we did not progress toward any resolution of either amendments or the treaty. I think today we must do so. I support action to accelerate that.

Mr. KERRY. I emphasize that if colleagues want to be here, the majority leader has told me he will keep the Senate open Saturday, Sunday, through the weekend, in order to do so. So it is our choice. But I think, in lieu of complaints about the rapidity with which the holiday is arriving, we might spend time on an actual amendment or votes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, may I ask Senator KERRY one question. When I was presiding yesterday, a Member rose in opposition to the treaty. He was complaining about it coming up now. He pointed to when we got the treaty from the White House, which was in May; is that right?

Mr. KERRY. Mr. President, that is correct. I say to the Senator from Minnesota. I think it was April that it was signed and May when we actually received the submission of the documents themselves.

Mr. FRANKEN. I ask the chairman, when this Senator was presiding, another Senator was on the floor saying that we got this in May, and now it is close to the end of the year, and it is outrageous that we are doing it now.

I ask Senator KERRY, didn't he accommodate those on the other side of this issue several times when they asked for delay themselves?

Mr. KERRY. Mr. President, the Senator is absolutely correct. There was a series of requests from Senators on the other side—which is totally appropriate. I am not suggesting that was inappropriate. I think the record needs to reflect that on those multiple occasions when people requested time in order to be able to prepare, we gave them time.

Senator LUGAR was importuned some 13 times to specifically slow down the treaty process in order to allow for more time to be able to address the modernization process, which is outside the treaty but not unlinked from it when you are making judgments about this.

Senator KYL brought up some relevant omissions in that modernization process. That extra time allowed us to address that—I hope to his satisfaction but certainly to the improvement of an understanding of where we are proceeding and to increase the funds.

Then we delayed even further when the committee was prepared to vote. There was a request for delay, and we delayed that vote.

Then we delayed even after that in order to avoid the appearance of politicizing the treaty for the election. So we literally took it out and said: OK, we will do it after the election, which

is why I think people feel so adamantly that now is the time.

There have been an appropriate series of delays. You cannot come in and ask for delay and then say: Oh my gosh, we are pushed up against the calendar, and it is difficult to do it now—particularly since we are in day 3 and we have plenty of time to even exceed the amount of time in which we did START I.

I thank the Senator from Minnesota for clarifying that. I hope not to get locked into a discussion of process now or what happens when. Let's just do the substance of the treaty and show the country that we have the ability to, in a bipartisan way, meet the national security needs of our Nation. Again, I thank the Senator for his question.

Mr. FRANKEN. Mr. President, I thank the chairman for that clarification.

I rise to discuss missile defense and the New START treaty. Missile defense is one of the persistent areas of concern of the treaty raised by some of my colleagues. However, the reasonable questions that have been raised on the subject can be answered in a very straightforward manner.

The treatment of missile defense in the treaty is no cause to oppose it—quite the opposite. It should garner support for the treaty. Most of those who have raised concerns understand that longstanding Russian anxiety about our missile defense is misplaced. The purpose of our missile defense is not to undermine Russia's deterrent; it is to protect us from attack from the likes of Iran or North Korea. In fact, the Senator who raised the objection about it coming up now, after their request for delay, pointed that out, as if our side didn't understand that, for some reason.

This is longstanding U.S. policy and law across administrations and Congresses controlled by both parties, going back to at least the administration of George H.W. Bush.

Nothing in the treaty bars the development and deployment of missile defense from countering those very real threats from the likes of Iran and North Korea, nor does the treaty give the Russians any say over missile defense or any kind of veto over it.

The fact that we and the Russians remain at odds over missile defense is, to some degree, nothing new. It has not prevented overwhelming support for arms control agreements in the past, including this treaty's predecessor, the original START treaty.

A more radical strand of criticism argues that our missile defense should target Russian forces and should, in fact, seek to render Russian strategic forces useless. I won't have much to say about this criticism. In reality, it is criticism of the entire foreign policy consensus of the United States that has prevailed across party lines at least

since the end of the Cold War. Secretary Gates has spoken about the danger and the needless budget-busting expense of this perspective.

Setting this view aside, I want to focus on the more reasonable skeptics of the New START treaty. They have expressed concerns about each of the two mentions of missile defense in the treaty.

Article V, section 3 of the treaty states:

Each party shall not convert and shall not use ICBM launchers and SLBM launchers—

That is submarine-launched ballistic missiles.

for placement of missile defense interceptors therein. Each party further shall not convert and shall not use launchers of missile defense interceptors for replacement of ICBM and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this treaty for placement of missile defense interceptors therein.

In other words, this provision prohibits the conversion and use of ICBM and SLBM launchers from missile defense interceptors and vice versa. However, it grandfathered the five missile silos at Vandenberg Air Force Base that have already been converted to launchers for missile defense interceptors.

Some have seized on this provision as a constraint on our missile defense. In reality, this provision effectively keeps missile defense outside the scope of the treaty—an objective that proponents of missile defense surely desire—at no real cost to us.

The ban on conversion of ICBM silos or SLBM launchers to missile defense is not a meaningful constraint. As LTG Patrick O'Reilly, Director of the Missile Defense Agency, testified, his agency has no plans and never had any plans to convert additional ICBM silos at Vandenberg. It is both less expensive and operationally more effective to build new ground-based interceptors. As General O'Reilly explained, replacing ICBMs with interceptors or adapting SLBMs to be interceptors would be "a major setback to the development of our missile defenses."

Substantial conversion of ICBM silos to missile defense would also be unnecessarily risky. Mixing interceptors with their ICBMs, especially in or near ICBM fields, would create an ambiguity problem for the Russians that risks tragic misunderstanding and devastating miscalculation. As GEN Kevin Chilton, Commander of U.S. Strategic Command, put it, seeing a missile launch, the other side may well be uncertain whether the launch was of an offensive or defensive missile.

Eliminating conversion of ICBM silos to defense is eliminating an unnecessary and undesirable option. That is why this so-called limitation on missile defense in article V of the New START treaty is—to use Senator McCain's phrase from the committee hearings—not a meaningful one. Nevertheless, Senator McCain and others

have gone on to ask: Even if the limitation is meaningful in itself, why did the administration agree to include it in the treaty? Why did we make this concession on missile defense to the Russians?

The short answer is because we got a very good deal on missile defense, gaining several benefits by agreeing not to do something we were never going to do. That is pretty good negotiating I think.

The five converted missile silos at Vandenberg were a major source of contention in the context of the existing original START treaty. The Russians considered the conversion of those silos a compliance problem. They worried we would be able to convert them back and forth and undermine the treaty's central numerical limits on nuclear weapons. Apparently, in negotiations over this new treaty, the Russians pushed us to either undo the conversions to missile defense at Vandenberg or to count the silos under the New START central limitations on our arsenal.

We met neither of those Russian demands. Instead, in return for agreeing not to perform future conversions that are unnecessary and undesirable, we got the five existing missile defense silos at Vandenberg grandfathered. That means not only do they continue as defense silos, but Russia can no longer raise compliance complaints because we converted those silos to defense.

More importantly, with the conversion ban in place, our missile defenses are not subject to the treaty and its inspection regime. It is true we will exhibit the Vandenberg silos to the Russians on two occasions in the future, to assure them that the five converted silos remain unable to launch ICBMs. But by keeping Vandenberg out of the regular inspection and verification regime established by the new treaty, we deprive the Russians of a precedent for extending inspections to our defenses elsewhere. If conversion were allowed under the New START treaty, our missile defenses at Fort Greely, for instance, would potentially be subject to intrusive inspection by the Russians, to determine whether any such conversions had taken place.

Instead, with the conversion ban in place, Fort Greely and other missile defenses are off limits. I am not entirely sure why the Russians agreed to this, but it is very good for us, and our negotiators deserve praise for article V, section 3. We kept something of value—namely the existing Vandenberg converted silos—we cleared up a source of contention with the Russians, and we kept our missile defenses out of the New START regime, ensuring they are not subject to intrusive inspection by the Russians. In exchange, we agreed to ban something that, again, we were never going to do—further convert silos—because that would be unwise in the first place. In other words, article V is a good reason to support the treaty.

But I think the deepest concern of those who have raised questions about missile defense go to the treaty's other reference to missile defense in the preamble, together with the unilateral statement Russia issued on its own on the subject, and the so-called withdrawal clause in the treaty. The treaty's preamble recognizes:

The existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties.

I don't think anyone would deny that there is such an interrelationship. It is simply a fact. Nor does the preamble impose any obligation on us or on the Russians. It is not a binding limit on us, it requires nothing of us, and has no effect on the nuclear forces limited or not limited by the treaty.

Russia also issued a unilateral statement on missile defense at the time the treaty was signed. This is not part of the treaty and there is no binding force whatsoever on us or on the Russians. We issued a statement in response as well.

Russia's unilateral statement asserts the treaty can only be effective and viable where there is no qualitative or quantitative buildup in our missile defense system capabilities. That is not what the actual treaty's preamble says. Beyond that, the statement goes on to state that a missile defense buildup "such that it would give rise to a threat to the strategic nuclear force potential of the Russian Federation" would count as an extraordinary event under article XIV of the treaty. Article XIV includes the withdrawal clause, which is a standard part of arms control treaties. That clause makes clear that each country has the right to withdraw from the treaty if it judges that extraordinary events related to the treaty's subject matter have jeopardized its supreme interests.

That judgment cannot be second-guessed. Russia or the United States can always make a decision that its supreme interests require it to withdraw from the treaty under article XIV, and there is nothing the other party can do about it.

Some of my colleagues on the other side are troubled and worried that Russia will seek to leverage the mention of missile defense in the preamble and their unilateral statement to pressure the United States to limit our missile defense. These worries are without foundation. The preamble and unilateral statement add no force whatsoever to article XIV's power of withdrawal from the treaty. And as Secretary Gates testified, we know the Russians have hated missile defense for decades, since strategic arms talks started. There is no surprise here. So it is no surprise that the Russians say a fundamental change in the strategic balance between our countries because of missile defense might lead them to withdraw from the treaty.

But even that threat is far less than it has been made out to be by the treaty's critics. Even the Russians' own unilateral statements count only a missile defense buildup that "would give rise to a threat to the strategic nuclear force potential of the Russian Federation" as potential cause for withdrawal. Right now, we have 30 ground-based interceptors and the Russians will be able to deploy up to 1,500 nuclear warheads. It is accepted you need at least two interceptors for each threat missile.

We can and will continue to improve and deploy our missile defense without changing the fundamental situation with Russia. We can improve and expand our missile defense without threatening strategic stability with Russia. U.S. missile defense simply won't meet the Russians' own description of cause for withdrawal.

But suppose the Russians see things otherwise. What is it that the Russians are actually threatening? Are they threatening to withdraw from the treaty? No. Here is what President Medvedev said on April 9, the day after the treaty was signed, with reference to missile defense:

If events develop in such a way to ultimately change the fundamental situation, Russia would be able to raise this issue with the USA. This is the sense of the interpretation and the verbal statement made yesterday.

So if the Russians decide there has been a change in the fundamental situation on missile defense and offense, then they will "raise this issue with the USA." Not withdraw from the treaty but raise the issue with us. That is a threat I think we can handle.

There is another reason not to be overly concerned. Around the time the United States and Soviet Union signed the original START treaty in 1991, the Soviet Union issued a unilateral statement on the antiballistic missile—or ABM—treaty, which language is virtually identical to the unilateral statement the Russians just issued in connection with the New START treaty.

As you know, the United States did withdraw from the ABM treaty, and Russia, the successor to the U.S.S.R., did not in turn withdraw from the original START treaty, as they threatened to do in the unilateral statement. Why would the Russians structure their unilateral statement exactly like their previous one if they wanted us to take the threat more seriously than the last one? The Russian objection to missile defense is well known and well understood. Their threat to withdraw from the treaty, such as it is, is not strong and the treaty's actual preamble imposes no obligation, restraint or pressure upon us.

The bottom line is that whatever decisions the Obama administration and Congress make on missile defense policy can and will be made independent of Russian threats. Frankly, our missile defense will not threaten strategic stability with them. The New START

treaty doesn't alter our calculations on missile defense one iota.

If this is Russia's effort to pressure us on missile defense, it is very weak and easily resisted. I, personally, pledge to make judgments about our missile defense policy on the basis of technical and strategic considerations, entirely independent of Russian pressure, and I am sure my colleagues will do the same.

To sum up, the limitation on conversion of launchers in article V of the New START treaty is, in fact, a major success of our negotiators. In return for agreeing not to convert more ICBM silos, which we were never going to do anyway, we kept our missile defense out of the treaty and away from regular Russian inspection, and we put to rest Russian complaints about our existing converted silos. We got several things of value at very low cost.

Similarly, the mention of missile defense in the preamble and the non-binding statement made by the Russians will not allow them to pressure us or exercise a veto on our missile defense. There is no meaningful pressure there. The threat is exceedingly weak and it is hard to see how my colleagues would take it seriously.

There is simply not a missile defense problem with this treaty, but don't just take it from me. In addition to the extraordinary support this treaty has garnered from foreign policy experts across the political spectrum, there is remarkable support amongst our defense leadership responsible for missile defense. This ranges from the Secretary of Defense to the Chairman of the Joint Chiefs, the service chiefs, the commander of U.S. Strategic Command responsible for our nuclear deterrent, and the Director of the Missile Defense Agency.

What is more, seven former commanders of Strategic Air Command and U.S. Strategic Command recently wrote to the Foreign Relations and Armed Services Committees to express their support for ratification of the treaty and specifically dismissed objections based on missile defense.

I hope we consider the resolution of ratification on the floor of the Senate as soon as possible. The substantive case for the treaty could not be stronger. It is time to bring it into force.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I have, I guess, a parliamentary inquiry. Maybe the Senator from Massachusetts, through you, might answer. I think we are at a point in time where it is time for amendments to be offered. I encourage people, on our side of the aisle in particular, if they have amendments, to offer them. At present, I have no amendments personally. I was able to be involved in the resolution of ratification that Senator LUGAR and I drafted early during the committee. But I know a number of my colleagues have been wanting to offer amendments. It

seems like there is a lot of time for that to occur today. That ought to be forthcoming so we can get on.

I have some comments I would like to make about the treaty and I guess concerns I have that we would introduce in the middle of this debate some political issues regarding the military that are unnecessary at this moment in time. That can be said later. But it is my hope we can move this along.

I would like to ask the Senator from Massachusetts, through the Chair how the amendment process is working. I know there has been some question on our side about whether amendments to the treaty and amendments to the resolution itself can be offered at the same time. I think it would be helpful—because everybody is impatient. They are wanting to see the amendments come forward and let's move forward with this process. It would be good to know how that process actually would work. There has been a question about the cloture vote and how that impacts pending amendments.

I think, in order to help move this along, it would be good if that could be answered.

Mr. KERRY. Mr. President, let me say to the Senator it may be we need the Parliamentarian on something, but here is my understanding.

There is a distinction, obviously, between an amendment to the treaty and an amendment to the resolution of ratification. Under the parliamentary rules, there is a vagueness, frankly—according, even to the Parliamentarian—as to how you go back and forth. I think in the language in the particular amendment, you can deal with that issue so you can make certain you are either addressing the resolution of ratification or the treaty itself.

Technically speaking, the treaty has to be dealt with first and then the resolution of ratification subsequently. We can go back and forth. There is no problem in that. Is that accurate, Mr. President—I ask, through you, the Parliamentarian—that we can take an amendment at any time on either the resolution of ratification or the treaty?

The ACTING PRESIDENT pro tempore. By unanimous consent that could be achieved.

Mr. KERRY. So we could take them at any time; by unanimous consent we could actually be defining what we specifically would be agreeing to deal with. But under the rules, technically, you have to do the treaty and then move that aside and go to the resolution of ratification; is that a fair statement?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator from Tennessee.

Mr. CORKER. Mr. President, I am not sure it is my role, because of the way the managers manage this bill, to ask for unanimous consent in that regard. I think that is probably something that either the two leaders

should ask or the two managers of the bill. But it would seem to me that would clear up any questions people have about the process itself.

I ask the Senator from Massachusetts, through the Chair, if that is the way it should work, to get that unanimous consent.

Mr. KERRY. To simplify matters, let me say this. We are prepared to take any amendment at any time and to proceed to it, and at a time the amendment comes to us and we both get a chance to look at it, we will address the question to the Parliamentarian, whether we need to ask for unanimous consent or to change the initial language of that particular amendment so it fits into that moment. What we will do is abide by the rules and make sure the amendment is appropriate. But we will take any amendment at any time as we always have in dealing with a treaty. We have always been able to resolve this question of where it applies.

In the end, once we have moved onto the final 30 hours of debate, it is irrelevant anyway; we simply conclude.

Mr. CORKER. Mr. President, I thank the Senator. I would say I was here last night on the floor. I think the Senator was, too, when discussions took place around the CR. I think emotions around here were slightly frayed, and I think everybody wants this session to end. It is my hope it will end with us doing what is necessary on the START treaty.

I think it would be good to clear that up. I think the last thing we need right now is confusion over that. It seems, instead of taking each amendment at a time—I am not up to any trickery here, I am just trying to clear this up—I think it would be much better—again, this is maybe beyond my pay grade at this moment—if the two bill managers would go ahead, by unanimous consent, and ask for that and move on with it. That way there is no question about whether people have the ability to try to amend either one, and we can move on so people cannot come down here later and say they were blocked from offering certain types of amendments.

Mr. KERRY. Let me say to the Senator, we are working on the appropriate language so we do not, in fact, wind up inadvertently amending the treaty. So we will make certain we proceed in an appropriate way.

But I guarantee any Senator, if they have an amendment, we will be able to take it and we are ready to proceed.

I thank the Senator from Tennessee for his cooperative effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I think, having spoken to a couple colleagues, it is quite likely the first amendment that will be offered, relatively soon, will be on the treaty itself so that issue will not have been—we will have time to work the question out that Senator KERRY and Senator CORKER have been talking about.

Senator KERRY and I were involved in a discussion about missile defense last evening. I think that will be probably further debated in connection with the first amendment that is likely to be offered. So let me turn to another matter that is of great concern to some of us and I think will require some resolution, either in an amendment of the treaty or preamble or in the resolution of ratification, and that is the limitation that was placed on our potential prompt global strike—conventional global strike weapon. This is a matter on which the Senate gave its advice. Our role, of course, is advice and consent. In the last Defense bill, section 1251 of the fiscal year 2010 NDAA, we included a statement that the New START treaty should not include any limitations on advanced conventional systems, otherwise known as conventional prompt global strike.

For the purposes of this, let me refer to that now as CPGS. Despite the assurances from some in the administration that wouldn't happen, it did happen. There is both limiting language and language in the preamble that sets the stage for further limitations on CPGS. We were clear about this because I believe we are going to need this. General Chilton has said the same thing. First, let me make it clear, what we are talking about is a conventional warhead on top which is a missile that has ICBM-like capabilities, that can quickly reach a spot a long way away to deliver a nonnuclear warhead.

With the WMD and terrorist and other rogue state kinds of threats that exist today, our administration and many of the rest of us have concluded this is a capability we need.

Let me quote General Chilton:

To provide the President a better range of non-nuclear options against rapidly emerging threats, we also require a deployed, conventional prompt global strike capability to hold at risk targets in denied territory that can only be rapidly struck today with nuclear weapon platforms.

That is the rationale for it. That is the administration's statement, and I agree with that.

The Senate provided its advice in Section 1251 of the Defense bill, and here is what Under Secretary of Defense Tauscher assured Senators. She said:

[T]here is no effect for prompt global strike in the treaty.

A March 26, 2010, White House fact sheet assured that:

... the treaty does not contain any constraints on testing, development, or deployment of ... current or planned United States long-range strike capabilities.

Obviously, that statement was meant to assure us that CPGS would not be constrained or limited. But the kicker in there were the words "current" or "planned." That is because there is no current CPGS, and the administration is studying what particular system or systems to move forward with.

So while technically correct that there is nothing current or planned, it

is also true the constraints in the treaty will limit whatever system we eventually come up with. The question, therefore, is what happens when, as General Chilton urges us, we develop a CPGS in the future.

Incidentally, General Chilton is the head of our Strategic Command. He is the person responsible for understanding what the threats are and how we can deliver the right ordnance in the right place with perishable intelligence in a very constrained atmosphere, and that is why his views on this are very important. Yet we conceded to Russian demands to place limits on CPGS.

How was this done? The Russians were very clever about this. They knew they were not going to get the United States to back off our plan, so what they said was: You will have to count any of those missiles against the 700 launcher limit on your nuclear delivery vehicles.

That is not a good deal. Most of us believe the 700 is too low to begin with. What we will have to do is, for every single one of these, we will have to subtract that number from the 700. So if you have 25, now you are down to 675 launchers for nuclear weapons.

That is a constraint. There is no way to describe that in any other terms. Russian Foreign Minister Lavrov said, on March 29:

For the first time, this treaty sets the ceiling, not only for strategic nuclear delivery vehicles, but also for those ones which will be fitted with nonnuclear warheads. The U.S. is carrying out this work, which is why it would be extremely important to set a limit precisely on these types of weapons.

I think he was more straightforward about this than the spokesman for the administration. He said: Sure, we put limits on it, and the United States is moving forward on it. That is why we wanted to put limits on it.

So despite the relationship between strategic and tactical nuclear weapons—but we would not dare deal with tactical weapons either in the preamble or the treaty. Yet in another concession to the Russians, the preamble to the treaty notes that the parties are "mindful of the impact of conventionally armed ICBMs and SLBMs on strategic stability."

Well, first of all, I do not agree with that statement. What is the impact? The impact assumes that we cannot segregate the two, which can be done. Second, are we to believe that tactical nuclear weapons, which the Russians enjoy a huge advantage—some say a 10-to-1 advantage over us—have no impact on strategic stability while conventionally armed ballistic missiles do?

What do Russia's neighbors think of that argument, I might wonder. Clearly, these limits on CPGS and the dangerous language in the preamble were concessions to the Russians. It is not in our interest because we do intend to go forward with this. I think, taken to its extreme, the treaty could prevent the United States from acquiring the non-nuclear strategic capabilities necessary to counter today's principal

threats, terrorists and regional adversaries armed with weapons of mass destruction.

We recognize the resolution of ratification has language on this. It does not rescind, and could not rescind, the specific limitation on counting conventionally armed ballistic missiles or mitigate the potential for severe disagreement with the Russians over this issue in the very near future.

I do not think we should ratify a treaty without knowing what kind of CPGS systems may be counted and how that will affect the nuclear triad at the much reduced levels now of 700 delivery vehicles. According to the Department of Defense, an assessment on treaty implications for CPGS proposals will not be ready until 2011. So under the resolution approved by the committee, Senators will not know until the treaty enters into force, when, obviously, it would be too late.

So the bottom line is, with a 700-launch vehicle limit, and CPGS counting against that limit, we will have fewer nuclear delivery vehicles than we negotiated for in the treaty, and that limit will be a disincentive to develop the CPGS as a result.

Second, the language in the preamble regarding the impact of CPGS on strategic stability opens the door to further Russian pressure against the United States not to develop and deploy these systems. Why should we accept these constraints in a treaty that was about nuclear weapons?

Now, I think Senator KERRY had three main points, if I distilled it correctly. First was, well, the Russians wanted to limit us from doing this at all. So, in effect, we should be thankful the only limitation was on the number. I do not think that is a very good argument. As I said, we wanted to talk tactical. The Russians said no, so we did not talk tactical in the strategic treaty. There is no reason why, in a strategic nuclear treaty, we need to talk conventional arms either. But we agreed to do that.

Another argument that Senator KERRY—well, it goes along with some in Russia who have said: Well, it would be very hard for us to know whether a missile launch was a strategic nuclear weapon or one of these conventional Prompt Global Strike weapons.

That is sort of a justification for the Russian position. But most of the experts with whom I have talked say that is not a limitation we need to worry about at all. We could easily agree with the Russians in various ways to assuage their concerns. For example, we can deploy the conventionally armed ballistic missiles in areas that are distinct from our ICBM field, allow them to periodically conduct onsite inspections under separate agreement. That could be done. And there are other mechanisms as well. The key point is that we need these capabilities. I do not think we should limit them in an arms control treaty dealing with strategic nuclear weapons.

The other argument is, well, we are not going to develop these for maybe 10 years, which is outside the life of the treaty. First of all, we should not have constraints on developing them at any point. We should not create the precedent that whatever we do with Prompt Global Strike is going to count against our nuclear delivery limits, which is what this treaty does.

But, finally, there are programs that are being studied right now in the United States that would allow us to put the Prompt Global Strike capability into service quite quickly. We need it; we need it now. For example, there have been proposals for weapons on conventional Trident missiles, to cite one example, that would count and could be deployed in less than 10 years. The National Academy notified Congress in May of 2007 that conventional Trident missiles could be operationally deployed within 2 years of funding. And there are others.

My point is, we should not be saying: Well, because certain things are not going to happen for 10 years, the treaty lasts 10 years, therefore, we do not have to worry about it. It takes a long time to plan these systems, and if they are going to be constrained by what is in the treaty today, they are likely going to be constrained by provisions in future treaties as well.

This is a bad precedent. It is one of the reasons we think before we were to proceed with this treaty, we would need to have some resolution either in the preamble or the treaty or the resolution of ratification that would give us assurance that we could develop Prompt Global Strike without detracting from our ability to deliver nuclear warheads as well.

I would like to turn to another matter. I mentioned briefly when I began my conversation yesterday morning about the treaty—and that is, that looked at in a larger context, some people have said: Well, this treaty, in and of itself, may not put that many constraints on the United States. Therefore, they are willing to support it. I appreciate the rationale behind the argument.

But there is an argument that this treaty has to be considered in its context. That is one of the reasons the people are concerned about the missile defense issue. But another element of context is the whole modernization issue, which is directly related to, but in a slightly different way relevant to the consideration of the treaty.

But the other aspect of context is that this is a treaty seen by the administration as moving a step forward toward the President's vision of a world without nuclear weapons. There are a lot of people who disagree with that vision and who believe if this treaty is ratified, then, in effect, the administration's very next step is going to be to begin negotiations to do that.

Indeed, administration spokesmen have said precisely that. Secretary Clinton, when New START was signed,

talked about the President's vision of the world without nuclear weapons, and said: We are making real progress toward that goal.

There have been numerous administration spokesmen who have made the same point. I will just mention three. Under Secretary Tauscher, whom I referred to earlier; Assistant Secretary of State Rose Gottemoeller, who actually negotiated this treaty; and Assistant Secretary of Defense Alexander Vershbow have all indicated the next round of negotiations the administration intends to engage in, beginning immediately after the ratification of the START treaty, is the march toward the President's vision of a world without nuclear weapons.

I said I do not share that vision. I do not share it for two reasons: I think it is difficult, if not impossible, to achieve, and I question whether it is a good idea at all. I do not think anybody believes that is something that is achievable in anybody's lifetime, even if it is ever achievable.

But, right now, focusing on this diverts attention, as I think this treaty does, from the efforts to deal with the true threats of today: countries such as Iran and North Korea and nuclear weapons falling into the hands of terrorists. As I said—in fact, let me quote Dr. Rice, who just recently wrote an op-ed in the Wall Street Journal. December 7 is the date. She said:

Nuclear weapons will be with us for a long time. After this treaty, our focus must be on stopping dangerous proliferators, not on further reductions in the U.S. and Russian strategic arsenals, which are really no threat to each other or to international stability.

I agree with that. Let me quote George Kennan, who wrote this a long time ago, but I think it applies today:

The evil of these Utopian enthusiasms was not only or even primarily the wasted time, the misplaced emphasis, the encouragement of false hopes. The evil lay primarily in the fact that those enthusiasms distracted our gaze from the real things that were happening. The cultivation of these Utopian schemes, flattering to our own image of ourselves, took place at the expense of our feeling for reality.

I would apply that to today. While we make a big hullabaloo about signing a treaty between Russia and the United States, countries that are no longer enemies, who are bringing down our strategic arsenals because it is in our own self-interest to do so, and ignore the threats—and I should not say “ignore” because that is to suggest the administration and others have not spent time working on the problem of Iran and North Korea. I ask, however, how much success we have had and whether we need to devote more attention and effort to resolving those problems that are immediately in front of us rather than dealing with a nonproblem in the START treaty with Russia.

Also, I would ask my colleagues to just reflect for a moment on what such a world would be like. You can divide, at least in my lifetime, barely, pre-August 1945, in the last century, and post-

August 1945. World War II claimed between 56 and 81 million lives. It is astounding to me we cannot even get a more accurate count of that. That is how destructive and disruptive and cataclysmic World War II was.

But it was ended with two atomic weapons. Since that time, the major powers—Russia, the United States, China—have not fired a shot in anger against each other. Major wars such as World War II, World War I—these kinds of wars have been avoided at least in part because the countries that possess these weapons know they cannot be used against each other in a conflict.

That is the deterrent value. Would it be nice if they had never been invented? Yes. Except for what they accomplished in ending World War II. But they cannot be uninvented, and the reality is, today it does provide a deterrent for the United States to have these weapons, and 31 other countries in the world rely on that deterrent.

So I would just ask those who say it would be wonderful if these weapons did not exist, what would the world look like today, with all of the conflicts that exist, and the opportunity for conventional warfare, unconstrained by the deterrent of a nuclear retaliation?

Nobel Prize winner and arms control expert Thomas Schelling recently observed that: In a world without nuclear weapons, countries would maintain an ability to rearm, and that “every crisis would be a nuclear crisis . . . the urge to preempt would dominate. . . it would be a nervous world.”

Well, to be sure, and that is an understatement. New York Times columnist Roger Cohen wrote:

A world without nuclear weapons sounds nice, but of course that was the world that brought us World War I and World War II. If you like the sound of that, the touchy-feely ‘Ground Zero’ bandwagon is probably for you.

General Brent Scowcroft, who is actually a proponent of this treaty wrote:

Second, given the clear risks and the elusive benefits inherent in additional deep cuts, the burden of proof should be on those who advocate such reductions to demonstrate exactly how and why such cuts would serve to enhance U.S. security. Absent such a demonstration, we should not pursue additional cuts in the mistaken belief that fewer is ipso facto better.

This is a point that was also made by the Bipartisan Congressional Commission on the Strategic Posture of the United States, the so-called Perry-Schlesinger Commission, in which they concluded:

All of the commission members all believe that reaching the ultimate goal of global nuclear elimination would require a fundamental change in geopolitics.

Again, quite an understatement. As I said, even the notion that we would be immediately pursuing, trying to reach this goal after the START treaty is ratified is to bring into question—at least I would suggest—in the minds of the 31 countries that depend on our nuclear deterrent for their security,

whether this is a wise idea. There are plenty of folks around the world who have commented on this, national leaders who have commented on this.

Let me just quote a couple to illustrate the breadth of concern about it.

The President of France, Nicolas Sarkozy:

It—

Referring to the French nuclear deterrent—

is neither a matter of prestige nor a question of rank, it is quite simply the nation's life insurance policy.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a list of comments and quotations by people who have spoken to this. Let me just cite maybe one.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1).

Mr. KYL. Bill Kristol, who is, I think, a very astute observer of these matters, wrote in the Washington Post in April of last year:

Yet to justify a world without nuclear weapons, what Obama would really have to envision is a world without war, or without threats of war . . . The danger is that the allure of a world without nuclear weapons can be a distraction—even an excuse for not acting against real nuclear threats. So while Obama talks of a future without nuclear weapons, the trajectory we are on today is toward a nuclear- and missile-capable North Korea and Iran—and a far more dangerous world.

The point of all of the people whom I don't quote here but will include for the RECORD is that the genie will not be put back in the bottle. Countries will have nuclear weapons. As one of them pointed out, if we were ever, by some magic, able to rid the world of nuclear weapons, the threat of one nation quickly acquiring them would be the most destabilizing thing one could imagine. The reality is, it is not going to happen. The United States moving toward that goal is not going to influence anyone, including North Korea or Syria or Iran or other countries that may mean the United States harm.

For those who believe this is a bad idea and who would like to see the President step back from that goal and instead focus more convincingly on dealing with the threats that are near term, ratification of this treaty presents a real problem, especially when the administration talks about the very next thing they want to do after beginning those negotiations is to bring to the Senate the comprehensive test ban treaty which this Senate defeated 11 years ago, and there are even stronger reasons to reject it today.

The bottom line is, one can argue that the dramatic reduction in the arsenals of Russia and United States of strategic weapons has been a good thing. It certainly has been an economically justifiable action for both countries because they are costly. But it has had no discernible effect on nu-

clear proliferation. We have had more proliferation since, after the Cold War, we began to reduce these weapons. They are unlikely, between the United States and Russia, to be a cause of future conflict.

It is time for global disarmament, starting with President Obama, to recognize this reality and channel their considerable efforts and good intentions toward the true dangers of which I have spoken.

I would like to address one other subject, if I may.

Mr. KERRY. I don't want to interrupt the Senator, but I wonder if, before he goes to another area, he would like to engage in a discussion on this particular one?

Mr. KYL. Mr. President, I would be happy to do that.

Mr. KERRY. If he is pressed for time, I understand that.

Mr. KYL. I am always happy to yield to my friend, and we always engage in interesting colloquies. I had indicated that, as a predicate to amendments, several of us had opening statements we would like to give. I am ready to go to amendments, but there are a couple of things I would like to say before we do.

Mr. KERRY. Then I will reserve my question until later.

Mr. KYL. I will enjoy the colloquy we have when we do get around to it.

Mr. President, we don't have time to get into a lot of detail, but there is the question of verification. This is one of the other major matters people have written about, including Senator BOND, who is the ranking Republican on the Intelligence Committee. It is going to be important for the Senate to have an executive session to go over intelligence, classified information that relates to the question of verification and past Russian compliance or non-compliance with agreements they have made with the United States.

In this short period, I wish to rebut something that continues to be repeated and is simply not true or at least the implication is not true—that we have to do this treaty because we need the verification provisions. The implication is that they are good and strong and will be effective. They won't. The verification provisions are far less than we had in the START I treaty. In the view of many people, they are not going to be effective.

Secretary of State James Baker, who testified early on this treaty, said:

[The verification mechanism in the New START treaty] does not appear as rigorous or extensive as the one that verified the numerous and diverse treaty obligations and prohibitions under START I. This complex part of the treaty is even more crucial when fewer deployed nuclear warheads are allowed than were allowed in the past.

My colleague Senator MCCAIN said:

The New START treaty's permissive approach to verification will result in less transparency and create additional challenges for our ability to monitor Russia's current and future capabilities.

Senator BOND said:

New START suffers from fundamental verification flaws that no amount of tinkering around the edges can fix.

He also said:

The Select Committee on Intelligence has been looking at this issue closely over the past several months . . . There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads.

In very simple terms, the reason he is saying that is that there is no overall verification of those warheads. We can look at an individual missile and see how many warheads are on the top, but that doesn't tell us whether they are in compliance with 1,550. That is one of the fundamental flaws.

The amount of telemetry, unencrypted telemetry, from Russian missile tests is reduced to zero unless the Russians decide to give us more than zero.

There is no longer onsite monitoring of the mobile missile final assembly facility at Votkinsk, which has existed for all these years under START I. The Russians didn't want us hanging around there anymore. We didn't even fight for that. It is a critical verification issue with respect to potentially a railcar or other mobile missiles the Russians will be developing. Secretary Gates spoke to that eloquently with respect to the verification provisions in START I. There are fewer onsite inspections. And I can't imagine the Russians would declare a facility, which is the only place we get to visit, and then be doing something nefarious at that particular declared facility. It is the undeclared facilities that represent a big part of the problem.

Former CIA Director James Woolsey said:

New START's verification provisions will provide little or no help in detecting illegal activity at locations the Russians fail to declare, are off-limits to U.S. inspectors, or are underground or otherwise hidden from our satellites.

He makes the point, when he refers to satellites, those are sometimes referred to as our national assets. They do good and they tell us a lot, but they can't possibly tell us all we need to know. That is why we had much more vigorous verification under START I.

There are other things we will be discussing when we get into the classified session on this, but let me conclude this point and my presentation with this reality. We will find—I can say this much, at least, in open session—that the Russians have violated major provisions of most of the agreements we have entered into with them for a long, long time: START I, the Chemical Weapons Convention, the Biological Weapons Convention, the conventional forces in Europe treaty, the Open Skies Treaty, and, by the way, others I won't mention.

The concern would be for a breakout. Today, Russia and the United States are not enemies. That is why a lot of this is of less concern than it ordinarily would be. The big concern is just that ultimate concern of a breakout.

What if all of a sudden they decided to confront us over some issue relating to a country on their border or something else and we were not aware they had gained a significant advantage over us? Again, the preparation of the United States to deal with that takes a long time. I won't get into it here, but it takes a long time. That is why verification and intelligence is so important.

I have talked about two things this morning: the conventional global strike and the verification issues, as well as the general concept of a world without nuclear weapons, which, unfortunately, this treaty, at least in the minds of a lot of people, is viewed as a predicate for and which would be very dangerous.

There are some other issues I eventually wish to speak to, including the whole question of whether, as a rationale for this treaty, the reset relations with Russia have really provided very much help to the United States and whether this treaty should be used as a way of assuaging Russian sensitivities or convincing them to cooperate with us on other things.

Others have talked about tactical nuclear weapons, and there will be amendments we will be offering to deal with that, and we can discuss that later.

There is also the very important matter of the Bilateral Consultative Commission, recognizing that this group of Russian and American negotiators could in secret change terms of the treaty. The resolution of ratification provided for a notice provision, but it is not adequate. I am hoping my colleagues will agree with us on that. We will provide a longer term for notification, with an ability of the Senate to reject terms that are deemed central to the treaty and for which we really need to be providing our consent or nonconsent.

Then finally, something I alluded to here, which is that the United States really ought to be spending more time dealing with the threats that I think are more real to us today, threats coming from places such as Iran and North Korea, rather than assuming that our top priority is to rush it right up to Christmas in order to get it done.

We will have more opportunity to talk about all of those matters later. Hopefully this afternoon, we can begin debating amendments, and we do need to get squared away the issue that Senator CORKER and Senator KERRY talked about, which is how we go about doing that in a way that does not cut off people's rights to offer amendments which are to the resolution of ratification.

EXHIBIT 1

ADDITIONAL STATEMENTS ON THE FOLLY OF ZERO

"The presumption that U.S. movement toward nuclear disarmament will deliver non-proliferation success is a fantasy. On the contrary, the U.S. nuclear arsenal has itself been the single most important tool for non-proliferation in history, and dismantling it would be a huge setback."⁹⁴

"The Obama administration's push for nuclear disarmament has a seductive intellectual and political appeal, but its main points are in contradiction with reality. And when a security policy is built on fantasy, someone usually gets hurt."⁹⁵

Kenneth Waltz, leading arms controller and professor emeritus of political science at UC Berkeley: "We now have 64 years of experience since Hiroshima. It's striking and against all historical precedent that for that substantial period, there has not been any war among nuclear states."⁹⁶

"And even if Russia and China (and France, Britain, Israel, India, and Pakistan) could be coaxed to abandon their weapons, we'd still live with the fear that any of them could quickly and secretly rearm."⁹⁷

Secretary James Schlesinger, post-Reykjavik (1986): "Nuclear arsenals are going to be with us as long as there are sovereign states with conflicting ideologies. Unlike Aladdin with his lamp, we have no way to force the nuclear genie back into the bottle. A world without nuclear weapons is a utopian dream."⁹⁸

Nicolas Sarkozy, President of France: "It [the French nuclear deterrent] is neither a matter of prestige nor a question of rank, it is quite simply the nation's life insurance policy."⁹⁹

"The idea of a world free of nuclear weapons is not so much an impossible dream as an impossible nightmare."¹⁰⁰

"A world that was genuinely free of nuclear weapons would look very different. War between big powers would once again become thinkable. In previous eras, the rise and fall of great powers has almost always been accompanied by war. The main reason for hoping that the rise of China will be an exception to this grisly rule is that both the U.S. and China have nuclear weapons. They will have to find other ways to act out their rivalries."¹⁰¹

William Kristol: "Yet to justify a world without nuclear weapons, what Obama would really have to envision is a world without war, or without threats of war . . . The danger is that the allure of a world without nuclear weapons can be a distraction—even an excuse for not acting against real nuclear threats . . . So while Obama talks of a future without nuclear weapons, the trajectory we are on today is toward a nuclear- and missile-capable North Korea and Iran—and a far more dangerous world."¹⁰²

"As long as a nukeless world remains wishful thinking and pastoral rhetoric, we'll be all right. But if the Nobel Committee truly cares about peace, its members will think a little harder about trying to make it a reality. Open a history book and you'll see what the modern world looks like without nuclear weapons. It is horrible beyond description."¹⁰³

"So when last we saw a world without nuclear weapons, human beings were killing one another with such feverish efficiency that they couldn't keep track of the victims to the nearest 15 million. Over three decades of industrialized war, the planet averaged about 3 million dead per year. Why did that stop happening?"¹⁰⁴

"A world with nuclear weapons in it is a scary, scary place to think about. The industrialized world without nuclear weapons was a scary, scary place for real. But there is no way to un-ring the nuclear bell. The science and technology of nuclear weapons is widespread, and if nukes are outlawed someday, only outlaws will have nukes."¹⁰⁵

ENDNOTES

⁹⁴Keith Payne, "A Vision Shall Guide Them?" National Review. November 2, 2009.

⁹⁵Id.

⁹⁶Jonathan Tepperman, "Why Obama Should Learn to Love the Bomb." Newsweek. August 29, 2009.

⁹⁷Id.

⁹⁸Sec. James Schlesinger, "The Dangers of a Nuclear-Free World." *Time*. October 27, 1986.

⁹⁹French President Nicolas Sarkozy Nuclear Policy speech, March 21, 2008.

¹⁰⁰Gideon Rachman, "A nuclear-free world? No Thanks." *Financial Times*. May 4, 2010.

¹⁰¹Id.

¹⁰²William Kristol, "A World Without Nukes—Just Like 1939." *Washington Post*. April 7, 2009.

¹⁰³David Von Drehle, "Want Peace? Give a Nuke the Nobel." *Time*. October 11, 2009.

¹⁰⁴Id.

¹⁰⁵Id.

Mr. KYL. I think it is true, Senator KERRY said that under the precedents of the Senate, we first have to attempt to amend the treaty and the preamble, and to do otherwise or to mix the two up would require unanimous consent.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, we have no intention of trying to use any technicality to deny an ability to offer an amendment. When each amendment comes up, we will find a way to make certain it is appropriate. We obviously have to send a signal at this point where you have to go off the treaty and onto the resolution of ratification. That happens automatically when we file cloture. So once that is done, it really becomes irrelevant.

Mr. KYL. Mr. President, when the Senator says that happens automatically, if cloture is filed and invoked, then both amendments to the treaty, the preamble, and the resolution of ratification are cut off at that point, correct?

Mr. KERRY. No. There still are germane amendments allowed to the resolution of ratification at that point, providing we have at that point completed issues on the treaty.

Mr. KYL. In other words, cloture cuts off both the resolution of ratification amendments as well as treaty and preamble amendments.

Mr. KERRY. Correct. Once it has been invoked, that is correct.

Let me say a couple of things to my friend, if I may. I know he has to run, but in his earlier argument with respect to the prompt global strike—we can get into this, and we will a little bit later, but he said something about how you could eliminate the issue of confusion with the Russians because you could just agree with them, and they could agree, and then you have sort of an identification. The whole point is, they won't agree. They are not going to agree. You can't sort of make this supposition all of a sudden that you can erase a problem simply because they will agree to something they don't want to agree to, which is why we are in the place we are with respect to that issue. That is No. 1.

No. 2, we made the decision, our generals made the decision, our defense folks, that we are better off with this because it, in fact, gives us a greater capacity to be able to verify what they are doing as well as what we are doing and to understand the makeup of ICBMs as we go forward.

I won't go into this at great length, but let me say to the Senator, I urge him to reread the resolution of ratification. In that resolution, condition 6 addresses these questions. Condition 7 addresses these questions. Understanding 5 addresses strategic range nonnuclear weapons systems and declaration 3 addresses them. I will not go through all of that language right now, but we have addressed this question. Any future treaty with respect to this question of global zero that keeps coming back up—I will talk about this later with the Senator, but the Senator must have a very different vision of where he would like to see the world go and of what would be in the long-term interest globally and of what the impact is of multiple nuclear weapons in the world with a lot more fissionable material, a lot more ability for terrorists to be able to access that fissionable material.

The fact is that in testimony before our committee, Secretary Baker was very clear about the linkage of the Nunn-Lugar threat reduction program and the START treaty. He said directly to the committee that were it not for the START treaty, we would not have been able to reduce the numbers of nuclear weapons and therefore the amount of fissionable material that in many cases was badly guarded or not guarded at all and completely available to the possibility of black market sale and falling into the hands of terrorists. There are many ways to proceed forward.

I would also say to my friend, with respect to this global nuclear zero, it is stunning to me that colleagues are coming to the floor fighting against an organizing principle and concept for how you could move the entire world to a safer place, ultimately, none of which will happen, clearly, without extraordinary changes globally in the way nations relate to each other and behave, how you control fissionable material, and what kind of dispute resolution mechanisms might be available in the future.

But, for heaven's sake, it is incredible to me that you cannot imagine and have a vision of the possibility of a world in which you ultimately work to get this. That is the purpose of human endeavor in this field, in a sense. It is why we have a United Nations. It is why President after President has talked about a world without nuclear weapons, a world that is safer.

Does that mean that all of a sudden we are discarding the present day notion of deterrence? No. Does that mean we are ignoring the reality of how countries have made judgments over the course of the Cold War about peace and war and what the risk is of going to war? Obviously not.

One of the things the Navy did for me was send me to nuclear, chemical, biological warfare school, and I spent an interesting time learning about throw weight and the concentric circles of damage and the extent to which one

nuclear weapon wreaks havoc in the world. The concept, to me, of 1,550 of them aimed at each other is still way above any sort of reasonable standards, in my judgment, about what it takes to deter. Do you think we would think about bombing China today or going to war with them? China has, in published, unclassified assessments, one-tenth maybe of the number of weapons we have. I do not think they are feeling particularly threatened by the United States in that context, nor we they, because you arrive at other ways of sort of working through these kinds of things.

So I just think this concept of a nuclear zero is so irrelevant to this debate, particularly given the fact that we are debating a treaty which is the only way to agree to reduce the weapons that requires 67 votes in the Senate. So even if President Obama wanted to try to do something in the future, this treaty does not open the door to it because it would require a next treaty in order to accomplish it and that would require 67 votes and it is pretty obvious you would never get that in the Senate in the current world.

So what are we talking about here? It is sort of a distraction. It is one of these hobgoblins of some folks who are so ideologically narrowly focused that they cannot see the forest for the trees. The choice is between having a treaty that gives you inspection, that every Member of our intelligence community says can be verified, that helps to provide security or not having one and having no inspection and having no verification—none, whatsoever. That is the choice. This is not particularly complicated, unless you want to make it so, for a whole lot of other reasons.

So the concept that doing this treaty is a distraction from dealing with terror is absolutely contradicted by the facts. Witness what Jim Baker and others have said about the Nunn-Lugar Threat Reduction Program and its linkage to START I, not to mention the myriad of other benefits that come, and there you see what Russia has done with the United States in recent months to move with respect to Iran. If we had not had a reset button, if we had not improved the relationship with Russia, if we had not been able to share information and have a cooperative atmosphere, partly increased by virtue of this treaty agreement, if we had not done that, Russia would not have joined with the United States because the relationship would not have been such that they would have been willing to in order to bring greater sanctions against Iran and try to deal with Iran's nuclear program.

So all of these things are linked. To suggest somehow that you can walk in here and just separate them and treat them differently is to ignore the nature of government-to-government relations, to ignore the nature of bilateral relationships, to ignore the nature of human nature in which people react to what other people do, and countries are

the same way. They react to the sense of where we are headed. By working together cooperatively, I think we have been able to say we are headed in the same direction, and that is an important message.

There is a lot more to be said on all this, but I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, during the debate, several Senators have noted concerns about the U.S. triad of submarines, land-based missiles, and those weapons with which we will equip our heavy bombers over the duration of the treaty.

Others have cited concerns with the administration's plans for ICBM modernization in the updated 1251 report. They note it could somehow constrain our flexibility and serves to meet some arms control aspirations rather than weapons modernization.

Our resolution of ratification incorporated a declaration concerning the so-called triad. This was done in the committee with an amendment offered by Senator RISC. H.

That declaration, No. 13, states:

It is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

That, as I say, was included in our committee work.

Secondly, I wrote to Secretary Gates last week, our Secretary of Defense, regarding the concerns that many Senators have noted about the age and weaponry for our heavy bombers, notably the B-52 and its air-launched cruise missile, and about modernization plans for our ICBMs. I wanted assurances that over the duration of the treaty we will have a triad of systems that is credible, particularly the bomber leg of our triad.

Mr. President, I ask unanimous consent to have printed in the RECORD the response I received from Secretary Gates on December 10.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,

PENTAGON,

Washington, DC, December 10, 2010.

Hon. RICHARD G. LUGAR,
Ranking Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR LUGAR: Thank you for your letter of December 6, 2010, regarding future U.S. strategic force structure in light of the Nuclear Posture Review (NPR), the Section 1251 Report, and the Update to the 1251 Report. I would like to take this opportunity to address the issues raised in your letter regarding the continuing viability of the U.S. air-launched cruise missile (ALCM) capability and the heavy bomber force, as well as the basing and warhead options for a follow-on intercontinental ballistic missile (ICBM).

Regarding your first concern on the viability of the ALCM inventory and the heavy-bomber leg of the Triad, the Administration

intends to replace the current ALCM with an advanced penetrating long range standoff (LRSO) cruise missile. The current ALCM will be maintained through 2030 with multiple service life extension programs to ensure viability of the propulsion systems, guidance and flight control systems and warhead arming components. The Department of Defense intends to field an advanced LRSO capability to replace the ALCM and the Air Force has programmed approximately \$800 million for research, development, test, and evaluation over the next five years for the development of LRSO. As this effort proceeds, we will work with the National Nuclear Security Administration to study options for a safe, secure, and effective nuclear warhead for the LRSO. The Administration is committed to providing a sufficient and credible nuclear standoff attack capability, and ensuring that the bomber leg of the Triad remains fully capable of supporting U.S. deterrent requirements. This commitment to maintaining an effective nuclear standoff attack capability is coupled with the Administration's plans to sustain the heavy-bomber leg of the Triad for the indefinite future and its commitment to the modernization of the heavy bomber force.

The Administration is also committed to sustaining the silo-based Minuteman III force through 2030, as mandated by Congress. This sustainment includes substantial life extension programs and security upgrades, which will allow us to sustain up to 420 single warhead ICBMs at three bases under the New START Treaty. The Administration believes that preparatory analysis for a follow-on ICBM capability in the 2030 timeframe should examine a wide range of options. Silo-based ICBMs have clear advantages; at the same time, considering other alternatives will help to determine a cost-effective approach for a follow-on ICBM that supports continued reductions in U.S. nuclear weapons while promoting stable deterrence. It should be noted that deployment of the follow-on ICBM, in whatever form it takes, will occur well beyond the expiration of New START, if it is ratified and enters into force in the near term. Finally, neither the Update to the 1251 Report nor planning and guidance for a follow-on ICBM will constrain the flexibility of a follow-on design with respect to warhead loadings. In the meantime, plans are currently in work to retain the capability to deploy multiple warheads on the Minuteman III missile, to include periodic operational test launches with more than one warhead.

Thank you for the opportunity to address the important matters you have raised in connection with our Nation's nuclear deterrent, and for your leadership on the New START Treaty.

Sincerely,

ROBERT M. GATES.

Mr. LUGAR. Mr. President, I asked for an assurance that over the duration of the New START treaty the Defense Department will not permit a situation to arise where heavy bombers lack sufficient and credible nuclear standoff attack capability.

Secretary Gates responded that the current air-launched cruise missile will be maintained through 2030 with multiple lifetime extensions and that "the Administration is committed to providing a sufficient and credible nuclear standoff attack capability, and ensure that the bomber leg of the Triad remains fully capable of supporting U.S. deterrent requirements."

I also sought assurance that the language in the 1251 update will in no way

modify the basing of the ICBM leg of the triad nor constrain its future designs with respect to warhead loadings; that is, constraining it to meet some arms control goal of fewer warheads for ICBMs.

Secretary Gates responded that "The Administration is also committed to sustaining the silo-based Minuteman III force through 2030, as mandated by Congress" and that "[N]either the Update to the 1251 Report nor planning and guidance for a follow-on ICBM will constrain the flexibility of a follow-on design with respect to warhead loadings."

Bombers will have sufficient nuclear weapons under New START. We are not going to constrain a future ICBM for purposes of arms control.

With these commitments, and our declaration, I am assured by Secretary of Defense Gates that we will have a credible bomber leg, one that allows us sufficient and flexible responses to strategic change, and that a future ICBM will not be less effective or flexible than our present ICBMs.

Moreover, regarding New START force levels, the combatant commander responsible for executing strategic deterrence operations and planning for nuclear operations, General Chilton, has said this about the New START treaty and its force structure:

Under the New START Treaty, based on U.S. Strategic Command analysis, I assess that the triad of diverse and complementary delivery systems will provide sufficient capabilities to make our deterrent credible and effective. . . . Under the New START Treaty, the United States will retain the military flexibility necessary to ensure each of these for the period of the treaty. . . . U.S. Strategic Command analyzed the required nuclear weapons and delivery vehicle force structure and posture to meet current guidance and provided options for consideration by the Department of Defense . . . this rigorous appraisal rooted in both deterrence strategy and an assessment of potential adversary capabilities, validated both the agreed-upon reductions in the New START Treaty and recommendations in the Nuclear Posture Review.

End of quote from General Chilton.

Note what he said—that this analysis take into account potential adversary capabilities. General Chilton is confident in our deterrent and that the force structure under the treaty and our triad will meet our needs.

I do not think we should dispute either General Chilton or Secretary Gates—long-serving professionals who have served both Presidents Bush and Obama so very well.

I would add, supplementing the excellent comments made by my colleague, the chairman, that from the beginning of our debates in the Senate on arms control treaties or even before that, the so-called Nunn-Lugar Cooperative Threat Reduction Program, there have been many Senators very sincere in their viewpoints that they simply do not like arms control treaties. Furthermore, they would counsel that you cannot trust the Russians. Therefore, adding the two together, if you have an

aversion to arms control treaties and agreements and you do not trust the Russians and, furthermore, you do not want to trust the Russians or have any further dealings with them quite apart from treaties on arms control, this leads to certain skepticism, if not outright opposition, to those of us who have been proposing arms control treaties for several years and arms control treaties with the Russians in particular.

I would simply point out, as I tried to yesterday informally, that there are always extraordinary problems with verification of any treaty, and much of the debate on this treaty, in terms of our committee responsibilities and initial statements made by Senators on the floor, zero in on such points, as to the fact that you cannot trust the Russians, and/or there are other things in the world we ought to be paying attention to, much more important than the Russians for that matter, and, further, that somehow this treaty, in particular, will inhibit the defense of our country, specifically through missile defense.

Members of administrations past and present have affirmed it is important to have arms control treaties with the Russians. It has not ever been a question of trusting the Russians. It has been a question of trying to provide verification that the provisions of the treaties that we have negotiated are, in fact, fulfilled. It is a fact, as has been suggested by some Senators, that on several occasions we have found violations or very dubious conduct on the part of the Russians. I have no idea how many times they have testified they have found something doubtful about our performance, but in any event, in the real world of deterrence and the real world of verifiability, there have been abrasions and arguments and disputes.

I would simply say one of the values of the treaties we have had with the Russians, and specifically the START treaty regime, is that they have allowed many of us—the distinguished chairman has made a good number of trips to Russia and to countries that surround Russia. I have had that responsibility and opportunity for many years likewise.

I testified yesterday during our debate that on one occasion, when I was invited to come to Sevmash, the submarine base, I saw things no American had ever seen before, apparently. When we talk about our intelligence facilities, there were no pictures taken by our intelligence folks, or very good dimensions of what a Typhoon submarine actually looked like or what it did. We had various suppositions. Incredibly, after my visit to Sevmash, where we were not allowed to take pictures, a Russian sent to me a picture of me standing in front of a Typhoon submarine. From our intelligence standpoint, this was the first time anyone had seen a picture of a Typhoon, quite apart from a diligent Senator standing

in front of it. Furthermore, we had good opportunities with the Russians to discuss the Typhoon.

I don't specialize in submarines, but I was able to take notes and to make known at least my impressions of that particular situation. Why in the world would someone invite a Senator to come see something of that variety? It came about because we literally had not only boots on the ground in terms of our military but some of us even as Senators. The relationship was such that the Russians, perceiving they needed to get rid of the Typhoon submarines and it was going to be very expensive, technically maybe even dangerous with regard to removal of all of the 200 missiles, decided it was time to do business. The opportunities that come, in other words, from a relationship of that sort sometimes move in directions no one might have anticipated—but to the good, in my judgment. I admitted yesterday only three of the six Typhoons have, in fact, been destroyed. It is a tedious, expensive, difficult process.

But getting back to our debates on the floor of the Senate, I can recall not only during the initial discussion of the Nunn-Lugar Act, but almost annually as appropriations were sought to continue this work, skeptical colleagues, first of all, doubting the value of any type of arrangement with the Russians, and doubting very much whether a dime of American taxpayer money should ever be spent on the Russians in this regard. So some of us, as reasonably and calmly as possible, could say, Well, we think it is probably important that if there are, in fact, nuclear warheads, thousands of them, aimed at our cities as well as our military installations, and we have opportunities and cooperative threat reduction to work as contractors, as Senators, as military officials, whoever, with the Russians, we ought to take those warheads that are aimed at us off the missiles. We ought to physically take the missiles down. We ought to, in fact, destroy the silos in which they are located, and we think this is probably a valuable use of taxpayer money in terms of our own defense.

Each year, by and large, that argument won, although rarely unanimously. On one occasion, incredible as it may be, Members of the Senate added so many qualifications, so many additional reports that had to be filed by the Defense Department or the State Department or intelligence authorities that the whole fiscal year passed without a single dollar being available for expenditure on any of this armament reduction. In other words, Senators were so involved in attempting to demonstrate their mistrust of the Russians, their demand that our bureaucracy fulfill all sorts of impossible goals, that nothing got done. Eventually over the course of the decade, we evolved to a point where by and large those sorts of debates began to taper off—and I am grateful for that—

and we began to see the possibilities not only with regard to the Russians but other countries who had strange weapons that they reported to us and sought our cooperation. This is well beyond even the ability to wind up the nuclear situation in Ukraine or Kazakhstan or Belarus or what have you.

I would cite one more, and that is in the year 2004, the first year in which the Senate voted that at least \$50 million—just \$50 million of about \$500 million that year of the Nunn-Lugar program could be used outside of Russia. So strong were feelings of some in opposition to the Nunn-Lugar program that they saw the fact that it might spread outside of Russia almost as a contaminant, something that ought to be contained. They felt it was bad enough that we had ever had such a thing in Russia, quite apart that we ought to destroy weapons anywhere else. But nevertheless, a majority of the Senate did allow for \$50 million. That very summer authorities in Albania notified the Pentagon that they had found some strange drums up above the capital city of Tirana in Albania, and they wanted to report that to us because they thought they needed assistance, probably for safety's sake of the Albanians who had found the drums. Our officials, having been invited by the Albanians, went in fact to the mountains and they found the drums were filled with nerve gas. Very quickly, they simply put up a modest fence and began to roll the drums in behind the fence.

I was invited to come over at that stage and I did, and I had good visits to our Ambassador to Albania, with their foreign minister and their defense minister, members of their Parliament. Albania at that time was a state that was coming out of a terrible dictatorship—a dictatorship so adverse that it was even difficult for the Soviet Union or China to deal with. Where in the world the nerve gas came from is a matter of conjecture. But in any event, once we had indicated our hopes that we could work with the Albanians, they invited us to do so and to help them destroy it.

As a matter of fact, as a bonus, while we were up in the mountains they took us by several sheds where there were hundreds of MANPAD missiles—not weapons of mass destruction, but missiles we had furnished, as a matter of fact, to forces in Afghanistan in an earlier war to drive out the former Soviet Union. So we were able to destroy those while we were at it. As an added bonus, the Defense Minister of Albania said, We believe we ought to set up a military academy along the same standards of your military academy at West Point. As a further gesture, we are going to have as a requirement that each of our cadets must master the English language so that we are going to be able to deal with you for some time to come. I felt that was an important gesture. I mention this because in the course of arms control, a

good number of things happen that are very important.

I will conclude by saying that Albania 2 years later invited all of the countries of the world to come to their capital and to celebrate the fact that Albania claimed to be the first nation state to fulfill the chemical weapons convention, that all chemical weapons in the country had been destroyed, and we celebrated with them, and it was literally a derivative of the situation we are describing today.

So I ask those who are normally skeptical to continue to ask good questions but likewise to understand the history at least of the last two decades that has been very constructive for our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to thank the ranking member, Senator LUGAR, for sharing that account with the Senate. I think it is first of all historic, but secondly I think it is relevant to the interconnectedness between what we are doing here and the long-term ways in which we make our country safer. One can only imagine if one group or another that we are all too familiar with the labels and names of these days had gotten hold of those barrels. The havoc that could have been wreaked somewhere is extraordinary. As the Senator from Indiana knows better than anybody here, some of these nuclear materials were behind creaky old rusty gates; maybe one guard, if any guard; a lock that was so easy to break—I mean, it was infantile, the notion that something was secured. Much of that has changed as a consequence of the program that he and Senator Nunn began, but also the consciousness that has been raised in a lot of countries around the world. This effort, we believe, continues that.

So I thank him for his leadership, again, on that score. We are awaiting amendments from colleagues and we look forward to entertaining them when they get here.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise today to express my support for the New Strategic Arms Reduction Treaty, also known as the New START treaty, which was signed by President Obama and Russian President Medvedev on April 8, 2010, and would replace the START treaty that expired on December 5, 2009.

As a member of the Armed Services Committee, I have had the opportunity to review the implications of this treaty over the course of five hearings and

multiple briefings. I am convinced that ratification of this treaty is essential to the security of the United States, and not simply in the context of our relationship with Russia but also in our efforts to counter nuclear proliferation throughout the world.

As a starting point to consider this treaty, it is important to recognize that since December 5, 2009, when the START treaty expired, we have not had inspectors on the ground in Russia to monitor their nuclear weapons complex. It wasn't until December 2008 that the Bush administration and Russia agreed they wanted to replace START before it expired but acknowledged that the task would have to be left to the Obama administration, leaving them 1 year before the treaty was set to expire so they could begin these negotiations.

The reality is that we have not had a verification regime in place or inspectors on the ground in Russia for over a year, and every day that goes by without this treaty in place is another day that the United States lacks the ability to verify effectively and inspect Russia's strategic nuclear forces.

If the Senate rejects this treaty, it may be many years, if ever, before we once again have American inspectors on the ground in Russia.

President Obama stated:

In the absence of START, without the New START treaty being ratified by the Senate, we do not have a verification mechanism to ensure that we know what the Russians are doing . . . And when you have uncertainty in the area of nuclear weapons, that's a much more dangerous world to live in.

The bottom line is this: If you don't trust the Russians, then you should be voting for this treaty because that is the only way we are going to get, in a timely, effective way, American inspectors back on the ground looking at their nuclear complex.

There is another aspect. Without the New START treaty in place, there is additional strain on our intelligence network to monitor Russia's activities.

In his testimony to the Armed Services Committee, GEN Kevin Chilton, commander of STRATCOM, stated:

Without New START, we would rapidly lose some of our insight into Russian strategic nuclear force developments and activities . . . we would be required increasingly to focus low-density/high-demand intelligence collection and analysis assets on Russian nuclear forces.

These intelligence assets include our satellites, which are already in high demand, particularly in our operations in Afghanistan and Iraq, as well as in emerging threat locations such as Yemen, Somalia, and the Pacific. Furthermore, these national technical means can never supplant the quality of intelligence gathered from onsite inspections by American weapons experts in verifying the quantity, type, and location of Russia's nuclear arsenal.

Dr. James Miller, Principal Deputy Under Secretary of Defense for Policy, remarked:

Onsite inspectors are a vital complement to the data that the United States will re-

ceive under New START. They provide the boots-on-the-ground presence to confirm the validity of Russian data declarations and to add to our confidence and knowledge regarding Russian strategic forces located at facilities around the country.

The failure to ratify may present a significant operational cost to our efforts in the war on terrorism. To compensate for the lack of a treaty, our satellite assets could be shifted to maintain some coverage of Russia, which, in the short run, would deny the capability of looking at other places, such as Sudan or Yemen, where we know al-Qaida and its affiliates are establishing sanctuaries. In the longer term, we may consider putting up new satellites—a tremendous cost that would be difficult to bear in a continuing budget crisis and one that would not give us the same kind of information as having inspectors on the ground.

Let me emphasize this again. If this treaty goes unratified, if we don't have inspectors on the ground, then we must rely on our national technical means of verification, which is significantly satellites. Those are, as General Chilton said, high-demand assets. If they are being flown over Russia, I cannot conceive, if we let this treaty elapse over several years, that military commanders will feel confident in not putting more and more satellites over Russia. That takes away from efforts right now to monitor troubled spots around the globe, and it is a real cost to the failure to ratify this treaty.

Ratifying this treaty is also a vital part of our relationship with Russia. It is the essential element in the process of controlling nuclear weapons between the United States and Russia.

I wish to quote my esteemed colleague and manager on the other side, Senator LUGAR, who has long been not only a leader in this effort but someone whose vision and actions already—particularly through his work with Senator Sam Nunn—have made this world a much safer place and one whose debt we are all in nationally. I thank him for that.

Senator LUGAR stated:

We should not be cavalier about allowing our relationship with Moscow to drift or about letting our knowledge of Russian weaponry atrophy.

He is right, as he has been on so many issues with respect to national and international policy.

This process has had a long history of bipartisan support—from the first formal agreements with the Soviet Union under the Carter administration that limited nuclear offensive and defensive weapons, through both terms of President Reagan's administration, which produced the original START treaty, to the overwhelming support of the Senate to ratify these important agreements. All of these agreements had strong, bipartisan support.

This treaty is an important part of renewing our relationship with Russia and will provide the foundation for future negotiations on other nuclear issues.

Ellen Tauscher, Under Secretary of State for Arms Control and International Security, stated:

It's my calculation that we need to get this done now because every day that we don't is a day that not only don't we have boots on the ground, but it's also a day that we can't move on to other parts of the agenda. This was the New START Treaty, but it was also the start of the reset of the relationship, and it is a very big agenda.

We have other issues to consider, such as tactical nuclear devices, which the Russians may have and former countries of the Soviet Union may have. We have a whole set of issues. We have issues with respect to Iran and North Korea. If we can ratify this treaty, we now have momentum to move forward on these other issues.

We all know the proliferation of nuclear weapons threatens more than the security of just Russia and the United States. Indeed, this treaty is central to the continuing need for a worldwide effort to control nuclear weapons. It is every President's worst nightmare that somewhere in the world a nuclear accident will occur, that a rogue state will attain nuclear capability or a nuclear weapon or materials will fall into the hands of a terrorist group. This treaty is an important step toward reducing the number of nuclear weapons around the world and demonstrates to the international community that the United States and Russia are committed to this goal.

If we don't ratify this agreement and don't continue this 40-year process of working with Russia on limiting nuclear weapons, how can we get them to assist us effectively in addressing the nuclear ambitions of North Korea and Iran? What credibility will we have among the international community to restrain Iran's development of nuclear weapons if it is perceived that we have abandoned our longlasting, long-term, and mutually beneficial attempts with the Russians to limit our nuclear weapons?

We must do everything possible to counter proliferation through protection, containment, interdiction, and a host of different programs.

I again quote Senator LUGAR:

This process must continue if we are to answer the existential threat posed by the proliferation of weapons of mass destruction.

Every missile destroyed, every warhead deactivated, and every inspection implemented makes us safer. Russia and the United States have a choice whether to continue this effort, and that choice is embodied in the New START treaty.

We also understand, too, that as long as we have nuclear weapons, we have to have an effective nuclear arsenal. In its fiscal year 2011 budget, the Obama administration requested \$7 billion for the National Nuclear Security Administration—NNSA—which overseas the U.S. nuclear complex. This request is about 10 percent more than the previous year's budget. That is a significant increase for any department in

this government, particularly as we face challenging economic times and an increased deficit.

Indeed, Linton Brooks, the former NNSA Administrator under President George W. Bush, said: "I'd have killed for that budget and that much high-level attention in the administration."

So the issue of dealing with our nuclear arsenal is being addressed with more energy and more resources and more attention than it was in the preceding administration, and I don't think that argument can be used as an attempt to delay the ratification of this treaty.

Many have argued that before we consider this treaty, we must commit to substantial funding increases in the future budgets to modernize the nuclear infrastructure. We are doing that. While I support the need to ensure a safer, more reliable nuclear arsenal—and I applaud the Obama administration's efforts to commit significant resources to do so—we have to recognize this is a recent change. In fact, the Obama administration is not only bringing this treaty to the Senate, it also is bringing to the Congress a level of commitment that was lacking previously. I think both of those are necessary, both of those mutually reinforce one another and, together, are strong support for the ratification of this treaty.

During an Armed Services Committee hearing in July, I asked Directors of the national labs about the significant commitment of resources this administration has made to the nuclear enterprise. Dr. George Miller, the Director of the Lawrence Livermore National Laboratory, responded:

It is clearly a major step in the right direction. The budget has been declining since about 2005 . . . and this represents a very important and very significant turnaround.

The Obama administration has also outlined an \$85 billion, 10-year plan for NNSA's nuclear weapons activities, which includes an additional \$4.1 billion in spending for fiscal years 2012 through 2016. The \$85 billion represents a 21-percent rise above the fiscal year 2011 spending level. As Secretary of Defense Robert Gates wrote in his preface to the April 2010 Nuclear Posture Review:

These investments, and the NPR's strategy for warhead life extension, represent a credible modernization plan necessary to sustain the nuclear infrastructure and support our Nation's deterrent.

Ratifying this treaty presents us with the opportunity to recommit ourselves to preserving and reinvesting in our nuclear enterprise, including the highly trained workforce, which is so necessary. But again, ratifying this treaty is such an essential part of our national security that it both complements and, in some cases, transcends simply reinvesting in our modernization efforts. But we are doing that, and that should give comfort, I think, to those who see that as an issue, which may—and I don't think

so—present some inhibition in ratifying this treaty.

In all the discussions we have had on the content of this treaty, we have often failed to note the caliber and professionalism of the American negotiators who have worked tirelessly on this treaty. This elite cadre of experts have devoted their lives to serving our Nation in promoting nuclear arms control and doing it from very wise, very experienced, and I think very critical notions of what is necessary to protect the United States because that is their first and foremost responsibility.

This impressive team consisted of State Department negotiators, representatives from the Department of Defense's Joint Staff, and from STRATCOM, our military command that is responsible for all these nuclear devices. Most of them took part in the development of START I and the subsequent treaties. They have had the experience of years and years of dealing with the Russians, of understanding the strengths and the weaknesses of our approaches. They captured the lessons learned on what we need to know about the Russian nuclear enterprise and the best means of achieving our national strategic objectives.

This was not the labor of amateurs, this was the work of people who have devoted their lifetime to try to develop an effective nuclear regime involving inspections and verification, and they know more about what the Russians do and vice versa than anyone else. They were at the heart of these negotiations. Many of the principles behind these treaties are, as a result, complex and nuanced. Most Americans, frankly—and, indeed, many of our colleagues—don't have the means to invest the time to become versed in the technical aspect of launchers, telemetry, and verification regimes. These individuals have spent their lives doing that. We are quite fortunate they have committed themselves to this enterprise and that they have produced this treaty.

Furthermore, former Secretaries of State and Defense from both Republican and Democratic administrations and military commanders, including seven previous commanders of STRATCOM these are the military officers whose professional lives have been devoted to protecting America and commanding every unit that has a nuclear capability—have all urged us to support this START treaty. That is a very, I think, strong endorsement as to the effectiveness of this treaty and the need for this treaty. All of them understand this is in our best national security interest.

Again, all the commanders, all the individuals who have spent every waking hour and, indeed, probably sleepless nights, thinking about their responsibilities for nuclear weapons and their use, consider this treaty essential. That, I think, should be strong evidence for its ratification.

As I mentioned before, the New START treaty builds upon decades of

diplomacy and agreements between the United States and Russia. The New START treaty is appropriately structured to address the present conditions of our nuclear enterprise and national security interests, while building on the lessons we have learned from decades of previous treaty negotiations, from decades of implementing past treaties, of finding out what works on the ground, and setting nonproliferation goals for the future. It is important to understand how we got to this point today.

The United States and the Soviet Union signed their first formal agreements limiting nuclear offensive and defensive weapons in May 1972. The Strategic Arms Limitation Talks—known as SALT—produced two agreements—the Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms and the Treaty on the Limitation of Anti-Ballistic Missile Systems. In 1979, these agreements were followed by the signing of the Strategic Arms Limitation Treaty—known as SALT II—which sought to codify equal limits on U.S. and Soviet strategic offensive nuclear forces. However, President Carter eventually withdrew this treaty from Senate consideration due to the Soviet's invasion of Afghanistan.

Throughout the 1980s, the Reagan administration participated in negotiations on the development of the Intermediate-Range Nuclear Forces—INF—Treaty, which was ultimately signed in 1988. At the negotiations, the Reagan administration called for a “double zero” option, which would eliminate all short- as well as long-range INF systems, a position that, at the time, was viewed by most observers as unattractive to the Soviets.

President Reagan also worked extensively to reduce the number of nuclear warheads, which led to the signing by President George Herbert Walker Bush of the initial START treaty in 1991. Again, the work of President Reagan, and the work of President George Herbert Walker Bush all led to the historic START I treaty. It limited long-range nuclear forces—land-based intercontinental ballistic missiles—ICBMs submarine-launched ballistic missiles—SLBMs and heavy bombers. START also contained a complex verification regime. Both sides collected most of the information needed to verify compliance with their own satellites and remote sensing equipment—known as the national technical means of verification.

But the parties also used data exchanges, notifications, and onsite inspections to gather information about forces and activities limited by the treaty. Taken together, these measures were designed to provide each nation with the ability to deter and detect militarily significant violations. The verification regime and the cooperation needed to implement many of these measures instilled confidence and encouraged openness among the signatories.

The original START treaty was ratified by the Senate in October 1992 by a vote of 93 to 6. We are building literally on the pathbreaking work of President Ronald Reagan and President George Herbert Walker Bush in limiting these classes of systems, using a national means of technology, and putting inspectors on the ground. I find it ironic that we might be at the stage of turning our back on all that work, of walking away from a bipartisan consensus—93 to 6. I don't think that would be in the best interest of this country.

In January 1993, the United States and Russia signed START II, which would further limit warheads. After some delay, the treaty eventually received approval by the Senate in January 1996, but it never entered into force, mainly because of the U.S. withdrawal from the ABM Treaty in June 2002. But, once again, there was another effort along these same lines to limit the numbers of launchers and warheads, and in that same spirit today we have this New START treaty before us.

During a summit meeting with President Putin in November 2001, President George W. Bush announced that the United States would reduce its operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 warheads during the decade. He stated the United States would reduce its forces unilaterally without signing a formal agreement. However, President Putin indicated Russia wanted to use a formal arms control process, emphasizing the two sides should focus on “reaching a reliable and verifiable agreement” and a “legally binding document.” Yet the Bush administration wanted to maintain the flexibility to size and structure its nuclear forces in response to its own needs and preferred a less formal process.

The United States and Russia ultimately did sign the Strategic Offensive Reductions Treaty, also known as the Moscow Treaty, on May 24, 2002. The Senate ratified the treaty on March 6, 2003, by a vote of 95 to 0; and the Russian Duma approved the treaty also. Once again, a high-level arms treaty negotiated by President George W. Bush with the Russians came to this floor and was unanimously approved.

In mid-2006, the United States and Russia began to discuss their options for arms control after START. However, the two countries were unable to agree on a path forward. Neither side wanted to extend START in its original form. Russia wanted to replace START with a new treaty that would further reduce deployed forces while using many of the same definitions and counting rules in START. The Bush administration initially did not want to negotiate a new treaty but would have been willing to extend some of the START monitoring provisions. President Bush and President Putin agreed at the Sochi summit in April 2008 they would proceed with negotiating a new, legally binding treaty. As I mentioned

before, it wasn't until December 2008 that the two sides agreed to replace START before it expired but acknowledged this task would fall to the Obama administration. This administration took that work seriously and diligently and produced a treaty and now it is not only our opportunity but I think our obligation to ratify the treaty.

Some of my colleagues have already described measures in the New START treaty. Let me suggest some of the important details.

Under the New START treaty, the United States and Russia must reduce the number of their strategic arms within 7 years from the date the treaty enters into force. This treaty sets a limit of 1,550 deployed strategic warheads. All warheads on deployed ICBMs and deployed SLBMs count toward this limit and each deployed heavy bomber equipped for nuclear armaments counts as one warhead toward the limit. This limit is 74 percent lower than the limit of the 1991 START treaty.

Again, let me stop and say, I think if you asked every American the question: Would we be safer with fewer nuclear warheads in the strategic forces of Russia and the United States, the answer would be yes. I think people all recognize the potential danger of the existence of more than enough nuclear weapons to wreak havoc if they were somehow launched.

The New START treaty also sets a limit of 800 deployed and nondeployed ICBM launchers, SLBM launchers, and heavy bombers—which are warheads but also launching systems—puts separate limits on deployed ICBMs and deployed SLBMs and deployed heavy bombers. The limit, again, is less than half the limit established by the 1991 START treaty for deployed delivery vehicles. The sooner we ratify this treaty, the sooner these limitations will be in place and can be enforced.

We are at a point, I think, where we can continue the progress that began—the breakthrough, really, that began with President Reagan, President George Herbert Walker Bush, and, to a degree at least in spirit, carried on with the Moscow Treaty by President George W. Bush, and now can be ratified with legally binding terms in this New START treaty. Once ratified, the new START treaty will be in force for 10 years unless superseded by a subsequent agreement, and of course the United States and Russia have the option to extend the treaty for a period of no more than 5 years and there are withdrawal clauses if we believe our national security requires such a withdrawal. Furthermore, the 2002 Moscow Treaty will terminate with the adoption of this START treaty.

Like the first START treaty, the New START treaty establishes a complex verification and transparency regime that will guard against cheating and will enable the United States to monitor Russia's compliance with the treaty's terms.

The treaty's verification measures build on the lessons learned during the 15 years of implementing the 1991 START treaty and adds new elements tailored to the limitations of this treaty and to the application of this treaty.

Indeed, Assistant Secretary of State Rose Gottemoeller, the head of the U.S. negotiating delegation, stated, "Much was learned over the 15 years in which the START treaty verification regime was implemented, and the United States and Russia sought to take advantage of that knowledge in formulating the verification regime for the new treaty—seeking to maintain elements which proved useful, to include new measures where necessary, improve those measures that were an unnecessary drag on our strategic forces, and eliminate those that were not essential for verifying the obligations of the New START treaty."

These verification measures include onsite inspections—which we do not have at the moment—data exchanges—which we do not have at the moment—and notifications as well as provisions to facilitate the use of national technical means for treaty monitoring. To increase confidence and transparency, the treaty also provides for the exchange of telemetry information.

Under the terms of the treaty, the parties are required to exchange data on the numbers, locations, and technical characteristics of deployed and nondeployed strategic arms that are subject to the treaty. The parties also agreed to assign and exchange unique identification numbers for each deployed and nondeployed ICBM, SLBM, and nuclear-capable heavy bomber. We literally now will have the serial numbers with which we can monitor their systems. The treaty also establishes a notification regime to track the movement and changes in status of strategic arms. Through these notifications and the unique identification numbers, the United States will be better able to monitor the status of Russian arms throughout their life cycle.

The New START treaty will also allow each nation up to 18 onsite inspections each year. These inspections will include deployed and nondeployed systems at operating bases, as well as nondeployed systems at storage sites, test ranges, and conversion/elimination facilities. These onsite inspections will help verify and confirm the information provided in the data exchanges and notifications, ensuring that Russia is staying within the numbers of the treaty.

Some have asked why have a treaty if Russia is allowed to cheat? It is important to remind ourselves of several points. First, because of its commitment under the Comprehensive Test Ban Treaty, Russia has already been operating under tighter constraints than the United States. They are signatories to the Comprehensive Test Ban Treaty. In 1996, President Clinton and President Yeltsin signed the Comprehensive Test Ban Treaty. The Rus-

sian Duma approved the treaty in 2000, but we have yet to ratify the treaty, so Russia, indeed, is operating under more constraints with respect to comprehensive testing than we are.

Second, over a year has passed since the expiration of the original START treaty. Again, since that time there have been no verifications, no inspections, no process in place to work with Russia.

It seems ironic to me that people who are worrying about signing a treaty and having the Russians cheat are not preoccupied with what the Russians are doing today, since we can't verify. It does not seem to me to make sense to say the way you can eliminate the treaty is eliminate the laws so they cannot cheat.

Again, I think the logic as well as the history as well as the details of this treaty are so compelling and persuasive that we have to ratify this treaty.

Under Secretary of State Ellen Tauscher stated also:

The urgency to verify the treaty is because we currently lack verification measures with Russia. The longer that goes on, the more opportunity there is for misunderstanding and mistrust.

There is a letter to Senator KERRY addressing concerns about cheating from Secretary Gates. Let me at this point commend the Senator from Massachusetts for his extraordinary leadership on this issue. No one knows more about the details of this treaty, the ramifications, the nuances than Senator KERRY. No one has been more articulate, no one has talked with more wisdom, more experience, and more compelling logic than the Senator from Massachusetts when it comes to ratification of this treaty. For his leadership, I thank him. Thank you, Senator.

But Secretary Gates wrote to Senator KERRY to remind him that:

[T]he survivable and flexible U.S. strategic posture planned for New START will help deter any future Russian leaders from cheating or breakout from the treaty, should they ever have such an inclination.

Finally, ratifying the New START treaty will actually provide the right incentive structure to prevent cheating rather than to encourage it.

Let me conclude. Let me again remind my colleagues that this treaty will provide a significantly increased degree of certainty in a very uncertain world. It will continue our relationship with Russia, one that we forged over decades and one that we must use—not just for our mutual benefit but to act against even more pressing threats such as North Korea, such as Iran, and such as thousands of other emerging threats over the next several years.

This treaty will allow us to advance our counterproliferation initiatives across the globe. As such, I urge my colleagues to support ratification of the New START treaty.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Rhode Island. I first of all thank him for his generous comments on a personal level. But let me thank him for his work. I think everybody in the Senate will agree he is, as a member of the Armed Services Committee, one of the most respected voices in the Senate, one of the most diligent, hard-working members of that committee. He knows and understands our weapons systems, our military needs, our security concerns as well as anybody in the Senate. I have enjoyed enormously the history that he provided in his discussion today. I think it is an important predicate to this debate and I thank him for his work very much, and for the comments he made on the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I support this treaty. The support is overwhelming, and it is bipartisan. The fact that the entire defense establishment and the Pentagon supports this treaty should be significant. The questions that have been raised about the modernization of our, basically, arsenal of nuclear weapons are legitimate. But they are questions that are constantly tended to not only by the appropriate committees in the Congress but by the defense and national security establishment.

The Cold War has now been over for two decades. The United States and Russia still possess 90 percent of the nuclear weapons. The fact is, we need stability in these huge arsenals of nuclear weapons between our two countries. To have this stability then allows us to be able to confront the rest of the world and the dangers that exist with regard to a potential nuclear threat.

While our nuclear triad remains an important component to our overall national security, it is no longer necessary for us to maintain such a huge stockpile. We are facing new threats, and we need new answers.

Here is what we know about the bottom line. This treaty enhances cooperation with Russia. It allows for onsite inspections. It allows for verification of Russia's nuclear arsenal. It also demonstrates to a worldwide audience our commitment to oversight and monitoring of nuclear weapons. This START treaty reduces the number of nuclear warheads in Russia by 30 percent. Preventing a nuclear terrorist attack is paramount. The more we create stability with Russia, it allows us then to increase pressure elsewhere on other countries that we are always concerned about having nuclear weapons. And we

are always concerned about those nuclear weapons getting out of their control and getting into the hands of people who would do us harm. Of course, we are certainly concerned about those other countries with nuclear ambitions—one, North Korea, that apparently already possesses nuclear weapons, and the country of Iran, which is certainly trying to possess nuclear weapons. It is commonsense that what you do is take an arsenal of some over 2,2200 nuclear weapons and reduce them. It is just common sense that you would, under a treaty between the two nuclear powers that have 90 percent of the nuclear weapons, that you would start to reduce delivery systems. It just makes common sense that we would be able to have an inspection and verification regime so that we can have that stability between Russia and the United States.

You can always bring up all kinds of things. This does not affect in any way our ability to have a national missile defense system. If we do not ratify this treaty—and it is not only my hope but it is my expectation that we are going to be able to get the 67 votes to ratify this treaty, but if we did not, we would put ourselves in a much less safe position because the previous START treaty expired a year ago.

Without START, there is no recourse or system to inspect warheads. We have been analyzing this treaty now for the last 7 months. The bipartisan support of this treaty, Senator KERRY and Senator LUGAR, along with my colleagues on the Senate Armed Services Committee and the Senate Intelligence Committee, we have been combing through these details.

We constantly have to develop new ways to safeguard our national security. Developing new state-of-the-art systems allows for a more vigorous inspection regime. We have built up some of that experience since the Cold War ended.

When it comes around to investment, the Obama administration has agreed to invest \$85 billion into the nuclear weapons complex. The administration agreed to Senator KYL wanting another \$4 billion increase. That is a modernization that needs to take place at several of our facilities. So let's move on and ratify this treaty. This treaty does not limit our missile defense options. We have clearly and consistently heard from Secretary Gates, Secretary Clinton, the Chairman of the Joint Chiefs of Staff, and many others in the Defense Department state that this is the case.

The treaty's ratification is long overdue in order to secure our Nation's security. I believe we must ratify this treaty now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in legislative session and as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 6517

Mr. CASEY. Mr. President, I rise to speak about legislation that has broad bipartisan support and will have a positive impact, if we pass it, on job creation in the United States. This is H.R. 6517, which is known as the MTB, the miscellaneous terror bill. I will provide some highlights and then ask my colleague, Senator BROWN of Ohio, to comment as well. Then we have a consent request.

First, this bill supports manufacturing jobs. The National Association of Manufacturers supports the bill. When the last bill was signed into law earlier this year, the last MTB bill, at that time it passed the House by a vote of 378 to 43. This was in July. The national manufacturers praised it as "a victory for job creation." This bill, combined with the last bill of the same kind, is expected to increase U.S. production by at least \$4.6 billion over the next 3 years and to support 90,000—imagine that—manufacturing jobs, according to a study.

As I said before, and should repeat again, it has strong bipartisan support. The bill has 40 Republican-sponsored provisions and 40 Democratic-sponsored provisions. It has not just bipartisan support but the support of manufacturers across the country. Domestic producers in the United States are relying on the new provisions in the bill to remain competitive, and these same producers are more likely to grow and support good-paying manufacturing jobs, just at a time when we need jobs in general, but in particular, there is a crying need for manufacturing jobs in the United States as well as a State such as the Commonwealth of Pennsylvania.

A couple of words about one aspect of the bill and then I will turn to Senator BROWN.

One of the provisions, of course, is trade adjustment assistance. The 2009 trade adjustment assistance—known by the acronym TAA—those reforms made significant improvements in this program for workers. Since these changes were implemented, more than 155,000 additional trade-impacted workers who would not have been certified under the former program became eligible for trade adjustment assistance for worker benefits and training opportunities. In total, more than 367,000 workers were certified as eligible for that support in that same timeframe.

A word about Pennsylvania. We have lost—and I think the corresponding number is similar in other States—but imagine this: Since 2001, less than a decade, our State has lost 200,000 manufacturing jobs. This program, the Trade Adjustment Assistance Program, has played a vital role in helping those workers who have lost their jobs in that time period.

There is much more I could say about Pennsylvania, and I will hold that for later. But I did want to turn to my col-

league from Ohio, who has worked tirelessly on this issue here in the Senate and in the years when he was a Member of the House of Representatives.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Pennsylvania. I agree with him that this bill has as broad a public support as you get on a trade bill, a bill that deals directly with tariffs and trade relationships and manufacturing and help for workers who are laid off and help both with training dollars and with health care dollars and health care tax incentives.

It is supported—that is why it passed, I believe, by a voice vote in the House of Representatives last night, meaning nobody spoke out against it when it was passed overwhelmingly by voice vote. There may have been a few scattered "nos." I am not even sure there was that.

The ranking member of the Ways and Means Committee, who will be chairman, Congressman CAMP, from Michigan, was supporting it. The Ways and Means outgoing chairman, also from Michigan, Congressman LEVIN, also supported this.

The AFL-CIO supports it. The National Retail Federation and the U.S. Chamber of Commerce recognize this is good for the country. That is why I am so hopeful my colleagues will not block this legislation.

One person standing up in this Chamber and blocking legislation because it is late in the year—I do not know if they are trying to cut some deal or what the reason is they would use for blocking it. But forget the politics of the support for it around the country, but look what it does that is so important: trade adjustment assistance. Since 2009, 367,000 workers were certified eligible for TAA, trade adjustment assistance. These workers use TAA to acquire new skills. When a worker is laid off, in Erie or right across the State line in Ashtabula, OH, you want to encourage them to go back to school and become, for example, a nurse, if they were working in a plant, and they are 45 years old, or you want them to go back to school and become a computer operator or to have some kind of job that you would hope would pay something comparable to the job they lost. This legislation is essential to do that.

The health care tax credit program helps these trade-affected workers and retirees purchase private health insurance to replace the employer-sponsored coverage they lost. We want people to be able to get back on their feet.

An objection to this motion by Senator CASEY, a "no" vote on this, really does say: Stop. We are not interested in helping you do this.

If we allow the program to go back, if this is defeated, the jobs that are shipped to China or India or other countries we do not have a trade agreement with would no longer be eligible.

I can name by name factories in places such as Cleveland and Mansfield and Toledo and Dayton—and Senator

CASEY can in Pittsburgh and Philadelphia, and Altoona and all over his State—companies that have shut down or moved much of their production to China or India. We want them to be eligible, even though we do not have a bilateral trade agreement with those countries as we do with NAFTA or CAFTA or some of the other bilateral trade agreements we have.

That is why this is so important. I particularly ask my colleagues not to object to the passage of this bill. It has passed the House. We have the exact same language here. It is vetted. The Republican and Democratic leaders in both Houses say we ought to do it. Senator BAUCUS has worked very hard, harder than anyone, to renew TAA before the end of the year.

But I particularly am concerned about the health care tax credit. We have tried to come to the floor and move that already. We have not been successful in doing it because of the peculiar nature of Senate rules and that a very small handful, sometimes as few as one, can stop legislation.

But without the HCTC, come January 1, there will be thousands of people in my State who lose their health insurance. Hundreds of them—if not several thousand—have spouses who will lose their health insurance because of what this will do in terms of the tax credit for health insurance.

So I guess my question to Senator CASEY—and then he can make the motion, which I fully support—is, why? What do you see in this that anybody would object to? I am at a loss to understand why anybody would object to this.

Mr. CASEY. Mr. President, I cannot understand it, especially when you consider the fact that we have 15 million Americans out of work. I know the numbers are high in all of our States. In Pennsylvania, we are fortunate. We are below 9 percent. We are at about 8.8 percent right now—8.6 percent, actually, is the most recent number. That number has been going down, thank goodness. But it is still just below 550,000 people. It was up above 590,000. So we are making some progress, but we are badly in need of manufacturing jobs, and I know the same is true in Ohio.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6517, the Omnibus Trade Act, which was received from the House and is at the desk; that the bill be read three times and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, and I will object, I wish to share a few thoughts with my colleagues. I think if they knew the basis for the objection I have, they would be supportive of it, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, let me say, with regard to this legislation, I have supported free trade probably more than my colleagues. I believe in the Andean Trade Agreement that is a part of this. I support the trade assistance that is in the bill and would be glad to remove my objections to them if they wish to move forward with that.

But I have worked for 2 years to try to obtain a simple justice to close a loophole in the tariff laws that has impacted and will close a sleeping bag textile manufacturer in my State. It is in Haleyville, in Winston County, AL. It is in northwest Alabama. It is a poor county. They have a great history. They call it “the free State of Winston.” They claim they seceded from the State of Alabama during the Civil War, and most of their public officials from then until today remain Republicans. But they are an independent, hard-working people. This bill, as written, will close that plant, and it should not happen.

I want to share with you the Chamber of Commerce, NAM and the AFL-CIO have been made aware of this, as we have discussed it over the past years, and they believe this company should receive some relief. But the people who put the bill together did not. And I am very much of the belief—I know my colleagues are—that when you have good people in your State who are being put out of business by a company that was moved to Bangladesh to try to capture this loophole—it is not a little matter.

These are human beings. As I said, I do believe in trade. I think it is best for the world. But I would say to my colleagues, we have to have fair trade. We have to have just trade. And nations around the world, I think, have taken advantage of the overconfidence of the United States in our economy that they can cheat on agreements and manipulate agreements and close down businesses in the United States, and that somehow we are going to pass on by, and that eventually we will get to the point where we just have banking and hospitals in this country.

But manufacturing is an important part of our economy. This company has been able to withstand competition from China and has been successful. But they cleverly figured out how to move it to Bangladesh, using 85 percent Chinese products, and shipping it to the United States and getting around the small tariff that makes a difference between success and failure.

I plead with my colleagues to consider the justice of this matter. Move your bill. I do not think there is any real substantive objection to it. The U.S. Trade Representative expressed a lot of sympathy for this situation, and I thought somewhere the bureaucrats and the politicians were going to put together a bill that would grant relief so this company would have a chance to continue to be very competitive.

They are modern, have high-tech equipment, sewing equipment, good employees. They pay them health care and benefits far more than they are paid anywhere else in the world. And they can still win except for this loophole.

I am at a point where I am not going to go for it anymore. I am not going to stand by and allow nations to cheat on their trade agreements and manipulate trade agreements that, in effect, destroy our industries. I am aware that the Smoot-Hawley trade agreement was part of the Depression. I know all that argument, and I am not against free trade. But I am telling you, we need to stand and defend our industries. I know both of my colleagues share that.

I want to say, I feel strongly about it. I believe this is just. And I think this bureaucracy, this Senate, this Congress, ought to listen to what we are saying and give us some relief. Otherwise, I would be willing to move the parts of the legislation that are not directly relevant to this.

I thank the Presiding Officer.

Mr. CASEY. Mr. President, let me say by way of response to our colleague from Alabama, I have great respect for and appreciate the sentiments he is expressing for workers and employers in his State, fighting hard for them, and the concern about jobs going overseas.

I would say a couple things: No. 1, we did have an opportunity this fall to vote on legislation which would provide both incentives and disincentives to the shipment of jobs overseas by changing the Tax Code. We had a debate about it. One side voted for it—this side—and the other side did not. I just wanted to make that point.

But the other point is that, look, we have a disagreement about this. What I would hope we could do is try to find a way to help firms such as the one that our colleague is trying to protect, and that is certainly understandable. But, at the same time, if we do not pass this bill in totality, we are going to short-change the ability to impact not just the creation of 90,000 manufacturing jobs around the country, including in all of our States, but also trade adjustment assistance. So for the hundreds of thousands of people—tens of thousands in a State such as Pennsylvania, and potentially even more than that, and certainly in all of our States—we have to get this done even if we are trying to work on problems that arise that are specific to one employer or one portion of a particular community.

Mr. SESSIONS. Mr. President, I will be glad to discuss it with my colleague, but I would note that the exemption I am concerned about goes to Third World countries. They are given, under the generalized system of preferences, or GSP, the right to import pretty much duty-free, but it comes with a crucial condition. That condition is that you do not get to import into the United States under this zero tariff if you are competing with American companies and American jobs—unemployed

Americans. If we don't have that manufacturing in the United States, they get this exemption. This is a loophole they achieved under the tariff rules by calling a sleeping bag not a textile, and it is a textile and it should be covered by this. That is all I am saying.

I would ask my colleagues, isn't it true that if the leadership of both parties agree to this amendment, there is plenty of time for it to be accepted, go back to the House, and be passed before we recess? That is what I would ask to be done.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I see some real potential here. I thank the Senator from Alabama. I know Senator CASEY and I have fought for American manufacturing for pretty much our whole careers. I know Senator SESSIONS has had some disagreements sometimes with our trade policy in this country. I think our trade policy has done more—and the way we do globalization has done as much damage to our country as almost anything in terms of jobs, especially manufacturing jobs.

There are several parts of this bill, as the Senator recognizes—the GSP, about which the Senator obviously has some strong feelings; there are things the Senator has sounded as though he was agreeing with on TAA and with HCTC, with the Andean, and with the other part of the trade issue—I am drawing a blank on the other part of the tariff issue. It seems to me that except for the general standardized preferences, or GSP, it sounds as though we have a lot of agreement.

I hope I can speak for Senator CASEY as well in saying I will certainly work with the Senator on trying to fix the part of the GSP that doesn't work for Alabama. If we can either separate the other ones out and get a UC or work with them together and go back to the House, we are certainly willing to do that.

I just don't want to see us adjourn—whatever day we adjourn, whether it is Monday or Tuesday or Christmas Day, I don't want to see us walk out of here without helping with trade adjustment, without helping with the health care tax credit, and leaving out Andean trade preferences and those things. So let's work together and see if we can do this in the next 24 hours and come back to the floor and work something through, if Senator CASEY agrees with that too.

Mr. SESSIONS. I thank Senator BROWN and Senator CASEY. I do believe that is possible, and I think maybe there is a growing belief that somewhere in this debate about trade, we can reach a common accord across the aisle that, yes, we want to have trade, we want to expand trade that can benefit America, but at the same time we have to not unnecessarily destroy American jobs, and this little part of it is damaging. I tried last year. We spent a year talking about this. It is not something that just got sprung on the

floor here at this moment. I think there is a way out of it.

I thank the Senators for being open-minded today.

Mr. CASEY. I thank both of my colleagues.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I support H.R. 6517. This bill extends three of my longstanding trade priorities, Trade Adjustment Assistance, TAA, the Generalized System of Preferences, GSP, and the Andean Trade Preference Act, ATPA. TAA provides job training for workers here at home, training that is more important than ever in these difficult economic times. And GSP and ATPA support thousands of jobs here in the United States and provide livelihoods for millions of people in the developing world as well. If we do not act, these programs will expire on December 31. The bill also includes miscellaneous tariff bill provisions, and provisions to replenish the wool trust fund, all of which will support jobs in Montana and across America. I urge swift passage of this bill.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I know we are discussing a number of different issues on the floor right now, and one of the most important, as my colleagues know, is the START treaty with Russia, and I wish to take a few minutes to talk about it.

We all take our responsibility of advice and consent very seriously for nominations and particularly on a treaty of this magnitude. I am very disappointed that on something of this importance, we are bringing it up in a lame duck Congress at a time when Americans are distracted by one of the most holy holidays for Christians in this country.

None of us minds working through the holidays or through the night on the Nation's business, but it is important that Americans participate in this process with us. They know many of the people who will be voting on this treaty are those who have been turned out of office by Americans in the last election, and they will also know that the reason to rush it through before new Members are sworn in is that those who will be carrying the voice of Americans into the next session may have a different view of some of the things we are doing here.

It is important, as we look at this START treaty, to understand the implications and the background of this treaty. A number of my colleagues have talked about various aspects of it—about verification, the number of missiles—and I will touch on a few of these things.

I respect the administration's intent to try to enlist the cooperation of Russia on other major issues, such as dealing with Iran and North Korea, and that this is a symbol of our willingness to work with them. I understand that. I understand that is one of the reasons a number of past Secretaries of State have said we need to do this.

I think the administration and many recognize that this treaty only deals with intercontinental ballistic missiles—ICBMs—missiles we have had for years on the shelf as a deterrent, as part of that strategy of mutually assured destruction. Russia had its number of missiles and we had ours, with the understanding that if they fired missiles at us, we would fire missiles at them, and we would destroy each other—mutually assured destruction. These missiles don't defend Americans, except if you say maybe to deter Russians from firing their missiles at us. But as we understand that this treaty only deals with the ICBMs, we recognize it doesn't include many other weapons, such as tactical nuclear weapons, and we also understand it does not have any prohibitions on other countries developing nuclear weapons, nuclear missiles.

We also understand that Russia has basically already met the limitations in this agreement. They are not going to have to draw down their number of missiles or warheads. The United States will reduce the number of missiles—ICBMs—it has. But, again, the other weapons, which are perhaps more dangerous and of more concern to some of our allies, are not included in this treaty.

So I think part of the rationale of moving through with this is that it only deals with one type of missile that is perhaps of limited importance in today's world—although certainly the deterrence will continue to be part of our strategy—and we are just dealing with these so-called strategic weapons and not tactical weapons, and that we can give this up, we can reduce the number we have in order to gain Russia's cooperation in other matters. I understand that rationale. But this is more than just a treaty between the United States and Russia; it is a signal to our allies and to the whole world on what posture America will take in the future on defending our allies, what posture we will take particularly on missile defense. That is where I wish to focus most of my comments today.

There was no argument in the hearings that this treaty is an implicit and explicit agreement by the United States not to develop a missile defense system that can defend against Russian missiles. That should be clear, and there is no argument.

I think we have played with words a little bit in saying it does not limit our plans in missile defense. Our plans are to develop an unlimited system that can shoot down a rogue missile. But in the hearings with Secretary Gates, Secretary Clinton, Chairman KERRY, it was made very clear that this treaty—it made it clear to the Russians and to the whole world that the United States would not even attempt to develop a missile defense system capable of shooting down multiple missiles.

Now, if Russia was the only country in the world capable of developing multiple nuclear missiles, perhaps we

could discuss that within that context. But as we know today, there has been a proliferation of nuclear technology to many countries, including Iran and North Korea. We know that other countries such as Pakistan have nuclear weapons. It is not unrealistic to suggest that within a few years there may be numerous countries that have capabilities to fire multiple missiles at the United States or one of our allies.

Americans need to know we are agreeing with this START treaty not to even attempt to develop a system to defend our citizens or our allies against multiple missiles. In the hearing, I made this very clear with a question: Is it our intent not to develop a missile defense system capable of defending against Russian missiles? Senator KERRY, Secretary Gates, and Secretary Clinton agreed that would destabilize our relationship with Russia. So everyone should be clear about what is happening here—that in order to enlist Russia's cooperation in other matters, we are agreeing to a continued strategy of mutually assured destruction not just with Russia but with any country that chooses to develop the ability to fire multiple missiles at one time.

I don't think this treaty is going to decrease proliferation. I think on its face it will increase the proliferation of nuclear weapons around the world. Our enemies will know we don't have the ability to defend against missiles, and our allies will develop their own nuclear weapons because they know we no longer have the capability to defend against not just Russia's missiles, not just strategic missiles, but against tactical nuclear weapons.

Russia has a 10-to-1 advantage right now with modern tactical nuclear weapons that are developed not as a deterrent but to be used on the battlefield. This treaty does not limit their ability to continue to develop these weapons. This treaty implicitly and I think explicitly says we are not going to develop any means to shoot down those shorter range missiles.

For us to be considering something of this gravity during the holidays, when Americans are rightly paying attention to things other than politics, and to rush this through with a few days of debate, when for the last treaty I looked at, we had 9 days with many amendments, a lot of debate, and finally agreement—we will not only have limited debate and limited amendments, but we are going to try to push this through before we leave to go home for Christmas. The process is wrong.

I would appeal to my colleagues to let this go until next year. Let's give a specific time agreement next year that we will debate this and we will have a vote on it and we will offer amendments and vote on those amendments and show the American people this was a full debate with full transparency about what is in this treaty and then let Senators vote on it, the Senators

Americans have elected to speak for them here in the Senate.

I have heard folks say on the Senate floor that we need to rush into this because we can no longer go days, weeks, and months without verification. I think a close look at the verification of the last treaty shows we weren't very close to what was actually going on. There are big loopholes in the verification aspects of this treaty, loopholes that are big enough to hide missiles and nuclear warheads, and I don't think there is a lot of debate about that. A few more weeks is not going to put our country in any more jeopardy. In fact, I think rushing this through could make the world much more dangerous.

My hope is that my colleagues, particularly my Republican colleagues, those who have expressed an interest in voting for this, will say: Enough is enough. Pushing this legislation, along with repealing don't ask, don't tell, the DREAM Act and other bills we are doing at the same time, and all of these requests for unanimous consent to pass bills that people haven't read—there is just too much business, too many distractions to take on something of this gravity at this time in a lameduck Congress.

So I appreciate the opportunity to speak. I respect those who feel as though this treaty is something we should do. But it is my hope that those people will reflect on the importance of this treaty, the signal it sends to our allies all over the world, and work with us to get an open and honest debate on this treaty at the beginning of next year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GOLD STANDARD AMONG MORTGAGES

Mr. ISAKSON. Mr. President, on the 8th day of November of this year, I, along with Senator HAGAN from North Carolina and Senator LANDRIEU from Louisiana, sent a letter to Secretary Donovan, Chairman Bernanke, Acting Director DeMarco, Chairman Sheila Blair, Chairman Schapiro, and Acting Comptroller Walsh, asking them to look closely at the 941(b) requirements of the Dodd-Frank bill relating to risk retention and to urge them to complete their work on carrying out the intent of that legislation through the amendment that the three of us cosponsored to create the exemption for risk retention requirements by the definition of a qualified mortgage.

I rise today, on one of the final days in this Congress, to raise the importance of this issue because of the current fragile condition of the U.S. housing economy and, most importantly, to underscore what a handful of Senators in this body did last summer in the financial reform bill to begin to improve

and strengthen the eroding lending standards that got us into this position in the first place.

I ran a business for 22 years in residential housing in Atlanta. During that time, the average default rate, or delinquent rate, was about 3 percent on mortgages. The foreclosure rate was less than 1½. Things have changed dramatically in the last few years because of sloppy underwriting, no credit, and no documentation. We have seen some unbelievable new numbers. To give you some perspective, according to FDIC, in the third quarter of 2010, total mortgage delinquencies across the country were about 10 percent of the market, or 1 in 10. In Georgia, that number exceeded 12. In the 100-percent government-guaranteed FHA market, the delinquency rate is just above 13 percent and, sadly, in Georgia, in the third quarter that rose above 20 percent—1 in every 5.

We have mounting problems with growing housing inventory—problems that are only made worse with excessive fees currently charged by Freddie Mac and Fannie Mae, frankly, keeping many from being able to refinance into a more affordable mortgage, therefore, becoming delinquent and being foreclosed on.

I am extremely proud of the bipartisan provision that Senator HAGAN, Senator LANDRIEU, and myself added to the financial reform bill. Earlier this year, I began working with Senators LANDRIEU and HAGAN to develop the concept of a qualified residential mortgage, QRM or, as I call it, a “new gold standard” for residential mortgages, which ultimately was included in the credit risk retention title of 941(b) in the financial reform bill. While risk retention can serve as a strong deterrent to excessive risk taken by lenders, it also imposes the potential of a constriction of credit in the mortgage market.

I want to make this point clear. The risk retention provision of the Dodd-Frank bill would require an originator of a mortgage to retain 5 percent of that mortgage as risk retention. As we all know, tier one capital requirements by the banking system is only 8 percent for the solid footing for the entire bank, and we were going to add another 5 to it just because they make mortgages. What is going to happen is that very few mortgages will be made, and those that will be made will be only the most pristine ones, not necessarily the ones that meet the needs of middle America.

Likewise, our standard makes sure venturesome lending practice can never become qualified residential mortgages. We specifically delineate in the amendment that things such as balloon mortgages, no-doc loans, drive-by appraisals, and interest-only loans, loans with huge prepayment penalties, and negative amortization mortgages would never be considered a qualified mortgage. Against those loans, you